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TOPICS

FOR

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TOPICS

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BY

JOHN BRUCE NORTON, Esq.,

BARRISTER-AT-LAW, MADRAS,
AUTHOR OF "THE REBELLION IN INDIA," "MADRAS," ETC.

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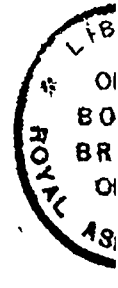

EDITED BY G. R. NORTON, Esq.

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CONTENTS.

OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

PAGE

PREFACE vii

CHAPTER I. INTRODUCTION. 1

CHAPTER II. TOPICS 1st, 2nd. I. What is the character of the Rebellion?—II. What is its cause? 5

CHAPTER III. TOPICS 3rd—6th. III. How shall we treat the Rebels?—IV. Had the Supreme Government warning of the coming danger?—V. Were all practicable measures taken to meet the crisis?—VI. Who is to pay the cost of the Rebellion? 60

CHAPTER IV. TOPIC 7th. VII. What is required for the military protection of India? 87

CHAPTER V. TOPIC 8th. VIII. What shall be the form of the Home Government of India? 114

CHAPTER VI. TOPICS 9th—11th. IX. Shall we continue our policy of centralization?—X. How can we improve the constitution of the local Governments?—XI. Is the Legislative Council properly constituted? 127

CHAPTER VII. TOPIC 12th. XII. Shall we continue our annexation policy? 1st, as to Princes—2nd, as to Zemindars—3rd, as to Enamdars. 156

CHAPTER VIII. TOPICS 13th, 14th. XIII. What is required to improve the tenure of land?—XIV. Shall we redeem the land-tax? 178

PAGE

CHAPTER IX. Topics 15th, 16th. XV. Why have not British capital and enterprise invested themselves in India? —XVI. Can they be induced to do so? 248

CHAPTER X. Topics 17th, 18th. XVII. Do our Law Courts require reform?—XVIII. Is the Police to be re-organized? 281

CHAPTER XI. Topic 19th. XIX. What shall be the future condition of the Indian Press? 323

CHAPTER XII. Topic 20th. XX. Should our future policy in India be retrogressive, stationary, or progressive? And, herein, of stoppage of Public Works; demeanour towards the natives. Education. Proselytism. 349

APPENDIX 387

Appendix A. 395

Appendix B.—No. 1. 399

Appendix B.—No. 2. 400

Appendix C. 404

ERRATA.

Page 152, line 1, *for* " in the Civil Service," *read* " *not* in the Civil Service."

Page 281, line 20, *for* " attempted," *read* " successful."

PREFACE.

In editing this book it is my desire to take on myself the responsibility of any errors that may have occurred. I feel the very great disadvantage my brother labours under in being unable to see his work through the press; many additional illustrative facts which he has sent to me have arrived too late for insertion, and in any case where doubt has arisen it has been impossible to refer to him. For many years Mr. Norton has been endeavouring to rouse, in the words of Lord William Bentinck, "the shameful apathy and indifference of England to the concerns of India." Hoping against hope, he has continued to write with this object. His last book, the "Rebellion in India," has never yet been answered, and why? Because it is unanswerable. It has suited those who are interested in keeping India in its present state of darkness to ignore that book. It appears to me that every purpose for which Mr. Norton wrote the "Rebellion in India" has been achieved; it was in advance of public opinion, which is now in accordance with his views,

both with regard to the double Government and the annexation policy ; and with respect to the injustice of the seizure of Oude, Government has endorsed his opinion in the famous Despatch of LORD ELLENBOROUGH. When MR. NORTON wrote the present work, the now defunct East India Company was only moribund ; I have in every case allowed the name to stand. It may serve as a warning, lest *nomine mutato* the same state of things be allowed to continue.

I think it right that I should state that in what is said of the future Home Government of India, the Author had only in contemplation the first India Bill, LORD PALMERSTON'S ; he could never surmise that, as by the wave of an enchanter's wand, the Court of Directors, with but slight alteration, would re-appear as the Council for India.

In conclusion, I wish to state that the book is entirely free from political bias, MR. NORTON has no party feelings. Party is not his guide, but Justice.

KENSINGTON GORE,

1*st September*, 1858.

CHAPTER I.

INTRODUCTION.

DURING the whole course of the rebellion I have collected copious notes illustrative of its progress, with the intention of publishing a second edition of the work which I put forth at its commencement. At the time I wrote, but few of the multitudinous facts, which have subsequently established the positions I then ventured to lay down, had occurred; and more than one of my critics has taken fair exception to the apparently scanty materials on which I based my conclusion—that the present crisis is not one of *mere mutiny*. But mere self-justification would not, in my humble judgment, be a sufficient plea for appearing again before the public. I am willing to leave to the events themselves, and to public opinion, the vindication of the correctness of the views which I formed rather early than hastily; contenting myself with this declaration, that I have seen no reason to alter, retract, or modify a word of what I have written: nor have I met with a refutation of any of the facts or arguments on which I based my propositions. Among the chief of these was this, that we should err in regarding the present outbreak as a *purely military revolt;* although it was to be expected that the most strenuous efforts would be made by those interested, to maintain that such was its character; also that it behoved us at such a crisis to take a review of *all* the elements of disaffection which might be lurking among the natives of India. Since then I have seen myself held up* as the leader of a party which declares that the condition

* "Bombay Times."

of the people is such, that there *ought* to be a *national* revolution, even if there is not; and which persuades itself, in spite of facts, that there is such a revolution.* A candid perusal of my pages will show that this is mere distorted exaggeration. With the whole of the Madras Presidency tranquil, and the whole of Bombay nearly so; with the facts before me that out of some two hundred millions, probably not more than one million has risen in arms against us, I was not likely to fall into such an error, or to make any such statement. On the other hand, it is, I think, equally preposterous to limit the outbreak, either as to its origin or its character, to a mere military mutiny. We are still much in the dark as to the secret history of the rebellion; and the nation will probably not be satisfied without a thoroughly searching investigation, carried on by the most able and independent Commission it can appoint :† but much light has doubtless been cast upon the subject by what we have ourselves witnessed, altogether independent of official information. Viewing the matter by such lights as we at present possess, the truth stands out indisputably clear, that annexation is at the bottom of the rebellion; and that large and important classes, other than the military, have participated in the insurrection.

At the same time it is not my intention now to enter upon a consideration of the full proofs of these assertions. The "Times" has said, with a strange mixture of truth and fallacy, that there is no use in looking back, and that our cares must be concentrated on the future of India. When I wrote, it would have been manifestly impertinent to have entered upon a long disquisition of the wants of India and the remedies requisite for her condition. The very existence of our continued supremacy was

* Put in other words, the argument stands just as rationally thus. This is purely a military mutiny. If so, the villagers ought not to take any part in it; therefore, they do not.

† The Court of Directors has already ordered the Governor-General to appoint a Commission for this purpose. But it is evident that any Commission appointed by the Supreme Government must of necessity be a mere blind; any inquiry which they may make, a mere sham inquiry. They have a particular theory to support, namely, that we have been suffering from a military-mutiny, not a rebellion. They have their measures to justify, and their policy to prove correct. Any persons whom they may appoint must almost certainly be their own servants, certainly open to the gravest suspicion. The judgment is scarcely likely to be deemed satisfactory when the accused select their own judges, and these judges from their own subordinates.

then questionable; and all men's thoughts were absorbed by the paramount interest of passing events. The eyes of the whole nation were straining into the far east, bent upon the progress of their countrymen; there was no sympathy, no patience for any matter not intimately connected with their condition, their sufferings, their heroism, their triumphs. To have craved a hearing at such a season for proposals of future reform, would have been impertinent folly; and, therefore, while lending my best aid to defeat the object of Lord Canning's Gagging Act, and striving to call the attention of the public to the true bearings of the crisis, I contented myself with such a hurried and brief sketch of the measures requisite for the regeneration of India, that even a friendly critic* has misunderstood my views, which, however, may be summed up in the single word—Justice.

Now, however, times are altered. The suppression of rebellion and restoration of order are a mere question of time; the representatives of the nation are about to deliberate on the future of India; and I conceive that one who has enjoyed the opportunities which I have, and gathered carefully the experience of sixteen years of active life in India, may usefully state his convictions, and pour forth his knowledge for the benefit of those, who, without similar advantages, will have to consider what the future policy of England towards India, and what the future government of India, shall be.

The greater portion of this present book will therefore be devoted to such topics; although I cannot admit the soundness of that advice which bids us not look back at all. How we are indeed to look forward with any prospect of utility or success, unless we first of all thoroughly understand the past; how we can safely apply a remedy unless we are first certain what is the evil; why in this particular instance we should voluntarily reject the teachings of history, I cannot understand. We cannot have too accurate a comprehension of the limits and character of the whole rebellion: for if, as it has been persistently asserted, it is really a pure military mutiny, and nothing more, the measures to be adopted are abundantly clear, simple, and easy. If it were a *national* rebellion, in the sense of a general simultaneous rising of the entire population between the Himalayas and Cape

* "Athenæum," London.

Comorin, remedy might be hopeless; but fortunately it is not that, though it might have been. If it be a rebellion commenced indeed by the soldiery in fact, but the result of premeditation and secret conspiracy among men of the higher classes, who used the sepoys as mere tools—and if large bodies of the people have risen against us,—then we may argue such a condition among them, and such latent general disaffection,* as requires the most delicate handling on the part of our statesmen and politicians.

That this last will be found to be the true character of the rebellion, I entertain not the slightest doubt; the proofs, indeed, all tend one way, however selfish interest, influence, and ignorance may struggle to conceal the fact, and divert attention to other directions. If we impose upon ourselves in this particular, or if we suffer ourselves to be imposed upon, the results may be most calamitous both for England and India; and I would, therefore, without attempting any detail, beg to point to some of the more prominent facts, which will be suggestive enough for those who choose to follow up the inquiry for themselves. And this leads me directly to my first topic, which cannot be altogether passed over, although it deals with the past, and my principal concern is with the future.†

* See L. Reid, Esq., House of Lords' Report, Question 2700.

† I shall have to quote largely from Indian journals of acknowledged reputation in this country; and I crave an attentive perusal of these extracts, for I can assure my readers that the selections will amply repay their perusal. I know that it is a very common practice to skip such passages, and pass on to the original matter. The journals in question, too, may be but little known, or not known to the English public; but a little reflection will convince those who wish to master Indian topics, that they can scarcely go to a better source than the respectable journals of India, whose editors devote their entire time to the task of collecting trustworthy materials, digesting voluminous records, and placing valuable information before their subscribers in a readable shape. Depend upon it, that Indian journals are safer guides on Indian subjects than even the most brilliant of the home press. I might, at a very little outlay of time and labour, have presented all those valuable contributions in the shape of original matter. But whatever others may do, I cannot bring myself to filch or suck the brains of other men without acknowledgment; and as my object is to open up sources of information and reflection, I trust a too common prejudice will not operate to prevent the perusal of quoted as well as original matter.

CHAPTER II.

Topic 1st.

I. *What is the character of the Rebellion?* II. *What is its cause?*

These two questions are intimately connected; for unless the rebellion was, in its origin, a mere military mutiny, which assumed a totally different character as the infection spread and its dimensions grew beyond the control of the mutineers, it is obvious that the character of the rebellion has been determined, and may be judged of by its cause. Those who assert that the outbreak is purely a military mutiny are bound to establish two points. They must shew that it is confined to the sepoys, for only they can be *mutineers;* and they must assign some satisfactory reason for the sepoys suddenly rushing into mutiny.

It may be said, and that plausibly, that the panic into which the sepoys were thrown by the fear of losing their caste and their religion, by being compelled to bite the obnoxious cartridges, affords such reason—that the sepoy is the creature of impulse, ignorant to a degree, and a mere unreasoning child on such matters. The mutiny at Vellore may be quoted; and it may be argued that the merest trifles, a change of an article of dress or the like, has heretofore proved sufficient to kindle the suspicions of native soldiery, and to hurry them into mutiny. I am very far from saying that this plea of the cartridge was a mere pretext, so far as the sepoys were concerned, in the first instance. I think it must be admitted that a real *bonâ-fide* alarm was excited in the mind of the sepoys, both Hindoo and Mussulman, by their belief that the new cartridges were compounded of the fat of pigs and bullocks. But this will not account for the conduct of those sepoys who mutinied at a period long subsequent to the outbreak of the rebellion, at isolated stations, after the

proclamation of the Government; after the repeated assurances of their officers; after the fact that the men were permitted to make up their own cartridges; after the withdrawal or non-issue of the articles objected to; and after mutiny had become hopeless from the success of British arms. The question still remains, by whom was this cry against the cartridges first raised; was it a mere accidental circumstance, or was it not a cry pitched on with the most consummate craft by conspirators, in whose hands the sepoys were mere tools and puppets?

Now the trial of the King of Delhi has disclosed the existence of a conspiracy long previous to the first outbreak of the rebellion. We find him not only in communication with numerous rajahs and chiefs, but actually sending emissaries to the Shah of Persia during the late Persian war, to obtain his aid towards the extirpation of the English. The Delhi proclamations, we know, were sent to Oude, and the puppet boy-king of Lucknow affected to act as the appointee of the great Mogul at Delhi. I will not press hard upon a fallen man, or assert that the King of Oude is implicated in the conspiracy, though we know that he was arrested suddenly in Calcutta, has been a close prisoner ever since, and it is asserted on good authority that the Government is in possession of convincing evidence of his complicity. But every man is presumed innocent until he is proved guilty; and I will not follow the example of a pamphleteer who has sketched out the whole plot of the conspiracy in the minutest detail, and shewn what share of territory each conspirator was to obtain, down even to the division of Calcutta itself. It is quite certain that the sepoy regiments quartered in Delhi had, previous to the commencement of the Delhi mutinies, a good mutual understanding with the troops at Meerut;* for when the troopers from that station galloped into the city of Delhi, the infantry at once opened out so as to expose their officers to the fire of the cavalry, who rode up and pistolled them one by one. The whole then proceeded to the palace, they paid their allegiance to the king, attacked the arsenal, murdered the Europeans, and seized the city. The whole work was far too systematically done

*It is surmised that the native officers from Delhi who went to Meerut to sit on the court martial of the cavalry troopers, there entered into the arrangements for the outbreak with the Meerut troops.

to permit of the supposition that it was the result of mere momentary impulse. An entire regiment does not so give up its officers to murder.

Previous to the outbreak, as well as subsequently, bands of fakeers or holy mendicants had been wandering over the country. They had been in some instances detected in tampering with the sepoys of the armies of Madras and Bombay. Whether the passage of the chupatties was a signal connected with the rebellion or not, I will not take upon myself to affirm, for I have not seen any sufficient evidence on the point;* but, independently of that, the facts point to but one explanation of the cartridge-cry, namely, that it did not originate with the sepoys, but was selected with consummate tact and skill by those, who, behind the curtain, were casting about for a motive which should deeply stir both the Mussulman and Hindoo ranks of the Bengal army.

The outbreak at Meerut, caused as it was by the severity, and rendered successful by the imbecility, of the military authorities, was nevertheless a providential circumstance for us. The shell burst too soon. The plot was not quite ripe in all its parts. Could it have been kept without explosion until the Mohurrum, I doubt whether there would have been a European left alive in India to tell the tale of the revolution. That is the festival when fanaticism is most widely and most easily excited; the Hindoo Dusserah falls about the same time, and it is reported that this was the season fixed upon for the fulfilment of that prophecy respecting the termination of the British Raj, which was so well calculated to bring about its own verification.

The greased cartridge-cry was the spark which fired the train; but the train had been most carefully laid. And if this does not

* The witness, Tut Mull, produced on the trial of the King of Delhi, so late as February 4th of this year, could give no explanation of this mysterious signal. He deposes as follows:—"I had heard the story of the circulation of chupatties throughout the country. I do not know what the signification of the chupatties was. I have never heard of any precedence among either Hindoo or Mussulman for such a deed. There were various meanings assigned by popular voice to the circumstance; some said they implied tampering with the religion of the people; some that it predicted that Government intended to interfere with their food. I do not know why such meanings were attached to the fact, but I know that they all had for their object poisoning the minds of the people against the Government."

afford us a sufficient solution of the mystery which those who maintain the pure military mutiny theory have to fathom, most assuredly we may look in vain for other causes of discontent in the ranks of the Bengal army, such as would serve to account for mutiny on their parts at this particular time. The moment had not arrived, though it must have arrived sooner or later, when an army, constituted like that of Bengal, was prepared to precipitate itself headlong into that death-struggle for dominion with its sovereign, which marks the history of all prætorian bands. On the contrary, of all conditions and classes of men in India, the Bengal army had the least cause to complain; they had few burthens to bear; no grievances without a remedy. They felt not the grinding of either the revenue or the judicial systems. Their lives and property were safe from the robber and the police; they were petted and pampered to the top of their bent;* discipline sat easy upon them; their pay was regular and ample. They could save while serving, and their retiring pensions were secure. Their officers were proud of them, and kind to them; indeed the men knew that they were masters of the situation. Centralization had deprived the commanding officer of his immediate authority; his representations met with but little favor at head-quarters; laxity of discipline was winked at, because it was useless to report it; petty demands were conceded to for the same reason. The sepoys' comforts were signally cared for. Compared with those who remained tillers of the earth, from which class they themselves chiefly sprung, they were as porcelain to clay; their lot was indeed every way enviable, and a subject of self-congratulation.

The fact is, they were acted upon from without, not from within; and though the rebellion began with the mutiny of a

* "Qui Hi," indisputably a Bengal officer of great experience and observation, remarks, that a great deal of nonsense has been talked about the pampering of the Bengal army. That they have not been spared from arduous duty; that the field of their duties has been vastly increased by the progress of annexation is unquestionably true. But the encouragement offered in every direction to the prejudices of caste; and the truckling to the impression on the sepoys' minds, that on all questions connected with this, head-quarters would yield to them; the disposition of officers to hush up matters; and the diminution of regimental officers' authority by that system of centralisation, which made the commanding officer powerless, and encouraged the men to slight his authority, may, I think, be most justly characterized as pampering.

few regiments, it was not a case of spontaneous combustion on the part of the army; but the army had been tampered with, and was the first weapon turned against us by those who were prepared to take themselves an active part in the attack, if success seemed hopeful, and the first attempt was not forthwith crushed.

If the true origin of the rebellion is not to be found in the pure military mutiny theory, still less sustainable is the assertion that the insurrection in its career has embraced none but military classes, and that the people have taken no part whatever in its horrors and its crimes. To refute this sweeping statement, it would suffice to point to Oude. That is now the focus of rebellion, to which, as to a common centre, all the flames of insurrection are drawn. It has been asserted that the people of Oude are longing for our return. The testimony of an eye-witness—my friend, the late Lieutenant Crump, of the Madras Artillery, the writer of the admirable letters which appeared in the "Saturday Review"—tells a totally different tale. He speaks of the whole population being up in arms; every village fortified and loop-holed; every man's hand against us.* The significant fact that,

* The following is from Lieut. Crump's description of the fight at Unao:—"On the 29th the advance towards Lucknow began in earnest. The force moved off at daylight, with the knowledge that they might expect to meet with opposition at a village called Unao, three or four miles on ahead, said to be occupied by some men and guns; hence, no one was surprised when, on nearing the place, three guns opened on us. Two of our field-pieces moved forward, and soon silenced their fire; but, as the troops moved on, a line of white puffs of smoke from the orchard and garden walls surrounding the place gave evidence that the matchlock men meant to shew fight. On this the skirmishers dashed forward, and soon drove them out of their orchards into the village; but when our men attempted to follow up their success, and clear the village, they were met by an opposition which fairly astonished the English soldiers.

"These mud-walled villages of Oude, and their fighting inhabitants, are among the most peculiar features of the country. Every hamlet is at chronic feud with its neighbours, and all of them look upon open rebellion against the farmer of their taxes as a sacred duty. The consequence is, that a century of practical experience in the art of self-defence has converted these villages into almost impregnable fortifications, and the villagers themselves into probably the best garrison troops in the world. A hundred Oude men will flee from ten on the open plain, but place ten of the same behind a loop-holed mud wall, and they will hold their own against a hundred, nor think it much to do. Such was the case now in the petty village of Unao. Our troops were in the place, and all round it, yet they could do comparatively nothing, and were dropping fast under the bullets of their unseen foes.

out of the 40,000 men who sat down to besiege Sir Henry Lawrence at Lucknow, 20,000 went away to sow their fields, shews that not soldiery alone were leagued against us, even at that early period. The two retreats of Havelock; his close beleaguerment after he had relieved the glorious garrison who had contended for eighty-seven days against artillery within fifty yards, and riflemen within ten; the murderous contest of Sir Colin Campbell when he relieved Havelock, and when 2,000 of the enemy were slain, in hand-to-hand conflict, in a single court-yard; the isolation of Sir James Outram in the Alumbagh; the forced retreat of Sir Colin Campbell before superior numbers; the preparations which he made for his final spring upon Lucknow, when four armies were launched simultaneously against Oude; the state of fortification of the capital, where every street was barricaded, and fresh earthworks of Cyclopean proportions attested the intention of the insurgents to die fighting at their posts;—all these facts unmistakeably prove that so far as Oude, at least, is concerned, we have to deal with a thoroughly *national* rebellion.

But it may be said that the case of Oude is special; that the people of Oude have a grievance, and a peculiar cause of their own to fight for; and that their condition proves nothing with regard to the feelings of the population of other parts of India. Passing by the damning admission that the Oudites *have* a cause of quarrel, which they are prepared to fight for to the death; I will make those who differ from me a present of Oude; let it be an exceptional case, and let us confine our attention to those other portions of India over which the rebellion has swept. Is it true that there also the outbreak has been a pure military mutiny; that the *people* have taken no share in the insurrection?

Here again I will make a present of all the budmashes of the cities, all the released felons and convicts from the gaols, all the scum which ever rises to the top of the cauldron when the broth is made sufficiently thick and slab. Such deductions being made, how stands the matter?

Thrice did a portion of the best regiment in the field charge a mud-walled enclosure containing a number of men, and thrice were they driven back with heavy loss of officers and men."

In dealing with this, it is impossible for me to give all, or even a tithe of the small but significant facts which the progress of the rebellion and the detailed account of personal narratives furnish. I have kept a copious register of such extracts, it is true, which any body may see; but I am compelled to point rather to large classes of facts than to individual events; and I must be content with suggestively enumerating the chief topics of evidence, which the reader can verify for himself.

In the first place, let me call attention to the extent of territory over which the struggle has rolled. Let the map be consulted for ascertaining how vast is the area, how many places and tracts of country are involved, *where no sepoy regiments have been present.* Next, let the reader reflect upon the significance of the numerous accounts in which he is told of burning *villages,* against the wholesale destruction of which and their inhabitants Lord Canning was forced to issue to the *civil authorities* that proclamation which has called down upon him so much unjustifiable censure for misplaced clemency. Let the reader recollect the innumerable accounts of contention with *matchlock men,* and *spear* or *bow-men.* In all such cases he may rest assured that our opponents were not *mutineers,* who are armed with our percussion muskets, and have no villages to burn. Then let him recal to mind the various published histories of European fugitives, in which the conduct of the country-people towards them is set forth. Here and there a friendly village is approached; a nabob or ranee protects and conceals the hunted European; but the general run of the story is the reverse of all this. The fugitives are plundered and ill-treated; they have to hide in jungles, and keep away from the high-roads; they dare not approach the villages, even for water; they are threatened and thrust forth; they can procure neither food nor carriage; they exhaust their resources in bribes, or are openly plundered. True, this strange intermingling of friendly and unfriendly populations, in close proximity, argues a very low state of civilization. It recalls to mind the accounts which we read of travels in the interior of Africa, but it forcibly reveals the real state of feeling of the people towards us; on which farther light is thrown by the singular account of the state of public feeling in Rhotuck, as we read it in the official despatches from Delhi. There the ubiquitous

Hodson found two parties or factions,—the English and the Anti-English; and I should not be surprised if a similar state of division were hereafter to be found largely prevalent in other towns and districts. Captain Gowan's singular narrative of his concealment in Rohilcund points to the same difference of sympathy. Captain Scott's interesting history of the fugitives' escape from Nawgong* shews that the whole district through which he passed was against us. "We all found," says he, "the villagers in the British territory mostly hostile." Next, let the reader remember the multitude of names of petty rajahs, with their followers, whom our forces have everywhere encountered. These are not *mutineers;* and, in all these cases, the rabble represent, indeed consist of, the *entire population* of the petty noble's dominions. After this, it will be well to reflect on the specific instances in which our own public native servants, revenue and judicial, have taken an active part against us. In some instances, not only have they fallen away from their allegiance, but have headed and urged on massacres and other atrocities. Such, for instance, are the cases of the murder of Mr. Tucker, the judge, by his own judicial subordinate; the trial and execution of the civilians at Bareilly; and the massacre of our helpless women by Hydost Ally, when his master, less cruel than himself, would fain have shewn them mercy.

When we come to select specific instances, the only difficulty consists in making a fitting choice from the abundance of our materials; and I must draw upon each man's recollection of what he has read, to a great extent; since it would fill an entire volume were I to descend into minute particulars. I must content myself with selecting some of those more general accounts which have appeared in the public prints, which forci ly portray, not so much individual adventure, as the state of feeling and the true condition of things over entire districts swept by the rebellion, or within the influence of its contagion.

If this be simply a military mutiny, how comes it that nowhere the civil officers of Government have been able to organize the people for resistance, even after the tide of fortune had turned in our favor, and when the natives were encouraged by the pre-

* "Further Papers (No. 4.) relative to the Mutinies, &c.," p. 121.

sence of our troops?* If there be such instances, we should certainly have heard of them; for the Supreme Government is not slow to exalt the services of its civil servants, or to make the most of even professions of loyalty emanating from any body of the natives. Do not let it be supposed that I seek to cast any slur upon the civilians. They have, during this crisis, displayed a personal courage and devotion equal to that of our noble soldiers. We find them charging the enemy as volunteers; showing the way through streets full of rebels; giving the military the benefit of their knowledge of the country; their services acknowledged gratefully by general officers in public despatches. The wonderful defence of the house of Arrah by Wake and his companions has only been outmarvelled by the defence of the entrenchment at Lucknow.† But in all these cases we must, for our purpose, be careful to distinguish between individual prowess and the successful exertion of the public magistrate; between the gallant acts of self-defence and the force of the majesty of Civil Government organizing the people against rebels and mutineers.

Who, then, have joined the mutineers, admitting that our own army was the first to rise, as, indeed, was to be expected?

The petty rajahs and zemindars, who have been dispossessed by us by escheats, resumptions—confiscation under whatever name it lurks. The "Friend of India," on the 2nd of July, 1857, wrote as follows:—"No idea can be formed as yet of the utter state of disorganization which prevails in the upper provinces. Trade is wholly destroyed; the public highways were here overrun by thieves; *the dispossessed zemindars* in nearly all the villages have emerged into daylight and ousted their successors; *scores of petty rajahs* have proclaimed their independence, and make up for defects of title by their ceaseless activity in the work of robbery and murder."

On the 13th of February last, Mr. Harrington introduced a

* Mr. Gubbins for a length of time preserved tranquillity at Benares by his personal influence and force of character; and Mr. Allan Hume, at a late period of the struggle, actually organized a force with which he successfully encountered the rebels. These are the only instances I know of, in which the civil power has been able to cope with the rebellion.

† See General Inglis's despatch.

Bill into the Legislative Council to facilitate the recovery of land wrongfully taken in the North-West Provinces. In his speech, explanatory of his Bill, the hon. gentleman mentioned that these resumptions had been made by the old proprietors, sometimes violently, under the foolish impression that our rule was drawing to a close; and, in order to indicate the extent to which these resumptions had taken place, he stated that in one zillah, through which he had lately passed, nearly one-half of the estates had changed hands. It is a significant fact, that these old proprietors appear to have been generally received without opposition by the cultivators; rebels themselves, they were not opposed by the people; what is the only inference that can be drawn?

All the journals contain the following advertisement recorded by the Government, and a further notice warns the public against purchasing certain specified Government promissory notes of the aggregate value of £260,000, the property of "Narrain Rao and Madho Rao, adopted sons of the late Benaik Rao, of Lirwee in the Kirnee district, who are in open rebellion against the State."

NOTICE.

The public are hereby cautioned against purchasing any Government promissory notes, standing in the names of or belonging to the undermentioned individuals, who are or have been in open rebellion against the State:—

Nana Dhundoo Punt, of Bithoor.
Hickmutoola, Deputy-collector of Futtehpore.
Bukht Bulee, Rajah of Shahgurh.
Luchmee Baee, Ranee of Jhansi.
Khan Bahadoor Khan, of Rohilcund.
Kooer Sing, of Jugdeespoor.
Abdooor Ruhman Khan, Chief of Jhujjur.
Toola Ram, an Aheer Chief.
Futtee Bahadoor, *alias* Rajah Nusrut Jung.
Banee Madhoo.
Rajah Maun Sing.
Hunwunt Sing.
Bishonant Buxah.

Sillinant Bunus, of Baishpare.
Bijee Bahadoor and his Kariddaz.
Fyzabad Moulvee.
Goolab Sing.
Alooddeen.
Dowlat Sing Thakoor, of Rogoogurh.
Saudut Khan, Leader of Hoolkar's mutinous troops.
Adit Mahomed Khan, of Ambapanee.
Ranee Jeejee Bace.
Begum Zeenut Muhal.
Sadut Khan, Nawab of Bhopaul.
Nawab of Bulmugurh.
Rajah of Mynpoorie.
Sobharam Kanth, inhabitant of Barrilly.
Tuffuzul Hossein Khan, Nawab of Furruckabad.
Warls Mahomed Khan, of Bhopaul.
Rajah Murdun Sing, Rajah of Bampoor Chundeyree.
Wabedad Khan, of Rohilcund.
Nawab Ali Bahadoor, Nawab of Banda.
Ummer Sing, Kooer Sing's brother.
Summund Khan, father-in-law of Abdoor Ruhman Khan.
Rajah Jyloll Sing, of Oudh.
Rughooberdoyal Sing.
Burjee's Kude, illegitimate son of the King of Oudh.
Ramadhun, Rajah Maun Sing's brother.
Bance Madho Buxsh.
Singram Sing's son, of Allahabad.
Honeyman Bunus, of Daneepare.
Ramdyal.
Rajah Madhoo Sing, of Amithee.
Mendee Haussein.
Thakoor of Ahwa in Marwar.
Shoajaut Khan Pindaree.
Fazil Mahomed Khan, of Bhisla, brother of Adit Mahomed Khan, of Ambapanee.
Kooer Bhowanee Sing, eldest son of the Chief of Nursingpore.
Bheo Rao Bhanslah.
Nawab Wulayet Ali Khan.

Heera Sing.
Mahmed Hossein, Nazim of Goruckpore.

EDMUND DRUMMOND,
Accountant-General to the Government of India.

Fort William, Loan-office,
the 2nd February, 1858.

And the *subsequent* Gazettes give further lists of chiefs, some of them ladies, whose property in the funds is forfeited by their participation in the rebellion. All these parties owe their prominence to the fact that they are the owners of Government bonds; a circumstance which, but for some paramount motive, might have guaranteed their fidelity. How many rajahs, ranees, zemindars, and the like, also, *who have not any Government bonds*, are implicated in the revolt, the Gazette does not disclose; but it may be inferred, from a consideration of the fact, that even those who had so much at stake were constrained by an influence, superior to that of their own pecuniary interest, to take up arms against us.

The late Mr. Colvin prepared a proclamation, declaring the whole of the North-West Provinces in a state of open rebellion. This document was speedily withdrawn. Subsequently, on the 17th of May, martial law was proclaimed in the North-West.

The Parliamentary Paper, No. 144, (11th Dec. 1857,) containing Lord Canning's defence of his Indian policy, gives a graphic description of the condition of the country, the wholesale massacre of villagers and the burning of villages, which compelled Lord Canning to issue his much-canvassed "clemency order" of the 31st of July, 1857.

Let us now peruse the testimony of various witnesses of different classes and characters. First, let Dr. Duff be called into court. He is every way an unexceptionable witness. He has extensive means of information; his intelligence is unquestionable; he is not connected with the press; he has no prejudices against the Government; he has no motive for over-colouring or distorting facts. In a letter addressed to Dr. Tweedie, which was published in the "Witness." Dr. Duff says:—

"An intestine war is raging with fearful virulence among the

natives themselves, in the North-West and Central India Provinces. The strong arm of authority and restraint being removed, all the elements of wildest disorder are let loose. A terrible work of plunder and devastations seems everywhere to be carried on. While the great bulk of the mutinous sepoys are congregated in armies—here standing a siege, there carrying on another, and elsewhere fighting pitched battles with our British generals and soldiers—numbers of them, with twenty or thirty thousand criminals liberated from jail, and myriads more of habitual and reputed thieves and villains are scouring the country in all directions. While many of the populace in cities, and of the common ryots or agricultural population, are passive and apathetic—scarcely knowing, and not at all caring, who their supreme rulers may be, so long as their immemorial habits, manners, customs, and usages are not violently interfered with—it cannot be doubted that numbers of both classes are disaffected or actively hostile to the British and their Government. A gentleman of long experience in Tirhoot writes:—'There is a strong sympathy with the mutineers throughout the country, every success or fresh rising of the mutineers was marked here with a look of satisfaction. Not one among the numerous zemindars with whom I have conversations either expresses sympathy for the Government or will give a single hint as to the reason of the risings, although I am perfectly convinced that all the better informed ones were perfectly aware of what was to happen!' An intelligent gentleman at Agra, writing of the state of things when the British were obliged to abandon the city, and retire into the fort, says—'The populace was all in arms, and there was nothing but plundering, bloodshed, and burning and destroying bungalows and public offices. In plundering, most of the Hindoostanees (*i. e.* up-country Hindoos) joined the Mohammedans. The Mohammedans to a man are against the British Government and three-fourths of the Hindoostanees.' In narratives that are constantly reaching us from individuals that have escaped, we read that, amid occasional and solitary acts of kindness, they were most frequently mocked, abused, insulted, and illtreated by the villagers, even when already stripped of everything, so as to offer no temptation to acts of personal violence. Even poor harmless females—scorched

and blistered by exposure to a burning sun, half dead from hunger and fatigue, aye, and half distracted from being suddenly made childless and husbandless—have often met with little mercy at the hands of villagers. In many places, too, from lust of plunder, villagers are up in arms against villagers; while the native police, instead of attempting to maintain or establish order, are everywhere swelling the host of ruffians that are bent on pillage. While many rajahs and zemindars have hitherto remained ostensibly faithful to the British Crown, others have been set up as chiefs by the mutineers, or have raised the standard of their own independence, or have proclaimed allegiance to the recently installed sovereign of Delhi. In Oude many of the chiefs are in open rebellion. The Ranee of Jhansi, after aiding in the massacre of all the British there, has raised a body of 14,000 men, with twenty guns. The Jaloun chief has raised a body of about 12,000. Rover Singh of Shahabad, between the Soane and Benares, has a vast body of rebel followers—variously estimated from 20,000 to 40,000—now hanging threateningly over Mirzapore, one of the grandest emporiums of trade in the North-West, and where the British are now shut up within an intrenchment. The chief of Secundra Rao, with a body of cavalry and infantry, has taken possession of Coel and Allyghur, between Agra and Delhi, and proclaimed himself *Subadar*, or governor, for the King of Delhi, of all the country between these towns and Allahabad, that is the whole country between the Jumma and Ganges—collecting the revenue due to our Government, and exercising other prerogatives of royalty!

"From these and other facts of a similar kind—some of them formerly mentioned—how utterly erroneous and misleading must appear some of the representations in home journals, from the 'Times' downwards! What becomes of the oft reiterated assertion—'It is a military revolt and nothing more?' or of the assertion—'The Bengal army has ceased to exist,' when, though it has ceased to exist as our army, it continues in reality to exist as our deadliest enemy? or of such declarations as these—'The entire non-military population, from Cape Comorin to the Himalayas, have stood aloof from the movement,'—'Not a man has stirred,—the chiefs of Upper India vie with each other in tendering to Government their assurances of support and

attachment?' Unqualified statements of this description—so violently wide of the truth—cannot fail to prove mischievous by lulling the rulers and people of Great Britain into a false security, and a security as fatal as it is false.

"And if such be the disorganised, unsettled, lawless condition of the North-West now—when the country is, for the most part, impassable, from the plains being turned into marshes, and the loamy soil into yielding softness like that of the quicksand—when the driest summer brooks are swollen into torrents, and the larger streams into mighty rushing outspreading floods—what, unless God in mercy interpose for our deliverance, may we not expect to be the possible state of things two or three months hence, when the country will be completely dried up, and its now saturated soil turned into an iron pavement—when the torrents will entirely disappear, and the mightiest rivers be all but lost in their own sands—when the present outstanding crops shall be cut, gathered in, and safely garnered, and the seeds of the next spring harvest fairly committed to the bosom of the earth—when the whole military, and demi-military population of the North-West will thus be set free to buckle on their armour, and go forth, like their renowned ancestors in days of old, on expeditions of plunder, conflagration, murder, and *kingdom-taking*.

"I do not write thus as an alarmist. Far from it. For my own trust in the Lord has never wavered; nor my confidence that, after humbling us with deserved judgments, He will arise and scatter His and our enemies. But I do write to warn the ignorant, at home and elsewhere, against possible dangers, difficulties, and delays in the re-establishment of peace, order, and tranquillity, which, not anticipated, or seasonably provided for, might excite, in the event of disappointment, unreasonable apprehension and alarm."

This witness is too valuable to be lost sight of, and accordingly this is his further testimony.

The following extract from a letter from the Rev. Dr. Duff, of the Free Church of Scotland, Calcutta, has appeared in a London journal:—

"That in different places intelligent zemindars and rajahs, who came to know our power and resources, have continued as

yet faithful in their allegiance, is a matter for congratulation. But that in many places zemindars and rajahs have scornfully thrown off all allegiance, and are up in arms—proclaiming their own independence, and committing depredations on their neighbours in all directions,—is now beyond all question. In this way we have now a King of Rohilcund, a King of Shahabad, with many others. In other cases, such as the town and district of Gorruckpore, recently abandoned by the British authorities, a Mahommedan chief has been set up as Nazim or Governor, in the name of the recently installed Emperor of Delhi. As regards the feelings of the great masses of the people towards the British Government, the most contradictory statements have been put forth. Extremes will be found wrong. That there ever was anything like affection or loyal attachment, in any true sense of these terms, on the part of any considerable portion of the native population towards the British power, is what no one who really knows them could honestly aver. Individual natives have become attached to individual Britons. But such isolated facts can prove nothing as to the feelings generally prevalent with respect to the British and their power. . . After escaping from the murderous hands of mutineers, British ladies and gentlemen have, in particular instances, experienced kindness at the hands of the common villagers; but in far the greater number of instances they have experienced quite the reverse. On this account they have been constantly compelled to shun the villages altogether, and betake themselves to jungles and pathless forests, exposed to the attacks of beasts of prey, and to manifold privations, the narration of which makes one almost shudder. And among the murders ever and anon reported in our public journals, how often do we find this entry opposite a name, 'killed by the villagers!' One of a volunteer expedition, which lately went out into the district of Meerut, writes that it was 'evident as they went along that the whole country was up,'—adding, 'that on reaching Rerote, which city was considered friendly to us, they were at once received with a friendly salute of thirty matchlocks in their faces!' Authentic notifications of a somewhat similar kind have also reached us from other places. A medical gentleman, who has recently published an elaborate account of the escape of himself, with other gentlemen, ladies, and children—amounting

in all to twenty-seven in number—from Angur, in Central India, testifies that every villager was uncivil, and that the smile of respectful submission with which the European officer was wont to be greeted, was displayed by an angry scowl and haughty air towards the despicable Feringhee, whose rajo (or reign) was at an end.' Throughout their twelve days' wanderings, they continued to encounter the most terrible hardships and dangers from the hatred, incivility, and contempt of the villagers. This very day, in one of our public journals, a gentleman, long resident in the interior, thus writes:—'I have lost all my property; but my principal object is to impress upon my countrymen (to convince the Government of this truth seems hopeless) the utter and most virulent hatred the natives have evinced throughout this outbreak, both to our Government and Europeans generally. In every instance where troops have mutinied, they have been joined by the inhabitants, not only of the bazar, but of the towns and villages adjacent, who not only assisted the sepoys in burning, looting (plundering), and destroying Government property, and that of the European settlers, and all Christians, and in killing any of them they could, but, after the departure of the mutineers, continued the devastation, and completed it. I am a very long resident in this country, and, having been in a position to hear the true sentiments of the natives (who neither feared me nor required anything from me) towards our Government and ourselves; I have been long aware of their hatred towards both, and that opportunity alone was wanted to display it as they have now done; and where it has not been shown, rest assured it is only from fear or interest, and when they did *not recognize opportunity*.' Now, in the face of these, and scores of other substantially similar statements from all parts of the North-West and Central India, what becomes of the lullaby declarations of those who would fain persuade the British public that nowhere among the general civic or rural population of India does there exist any feeling of ill-will, or discontent, or disaffection, towards the British or their Government? All such unqualified declarations I do most solemnly regard as a gigantic (I do not say wilful) imposition on the British people—an imposition which, if not timously exposed or abandoned, is sure to prove as fatal to the re-establishment and perpetuity of British supremacy as it is in

itself gigantic. If the seeds of a deadly disease are lurking, though it may be but partially developed, in the very vitals of the constitution, and if the existence of these, in spite of obvious symptoms and warnings, be deliberately ignored, what can we expect, except that, one day or other, they will break forth into a raging virulence, which all the art of the most skilful physician can neither mitigate nor arrest?"

And again, Dr. Duff, in another letter published in the "Witness," says:—

"It is the fact, that it is not a mere 'military revolt,' but a rebellion—a revolution—which alone can account for the little progress hitherto made in extinguishing it, and, at the same time, precludes any reasonable hope of its early complete suppression. That it is a rebellion, and a rebellion, too, of no recent or mushroom growth, every fresh revelation tends more and more to confirm. And a rebellion long and deliberately concocted—a rebellion which has been able to array the Hindoo and Mahommedan in an unnatural confederacy—a rebellion which is now manifestly nurtured and sustained by the whole population of Oude, and, directly or indirectly, sympathised with and assisted by well nigh half that of the neighbouring provinces—is not to be put down by a few victories over mutinous sepoys, however decisive or brilliant.

"To earn for the present revolt the designation of 'rebellion,' it is surely not necessary that the entire mass of the people should have risen in active hostility against us. We talk of the rebellion of 'forty-five' in our own land, though only a section of the general population actually took up arms—known, however, to be sympathised with by numbers of partisans throughout the land. And is not the sway of the rebels at this moment vastly firmer and more extensive in Northern and Central India, than ever was that of Prince Charles and his followers throughout the British Isles?

"That there is, even in Northern and Central India, an ordinarily quiet, simple, and industrious race, who, if let alone, would live on, under any paramount power, in profoundest apathy and unconcern, is what I have heretofore again and again asserted. But, from the first, it was strangely forgotten by many of our officials and leaders of public opinion, at home

and abroad, that, throughout our Northern and Central provinces, there are whole tribes of banditti, professional robbers and murderers—hosts of 'budmashes,' ever ready for any work of violence and rapine—endless discontented chiefs, with crowds of retainers, the descendants of marauders who, in their day, founded petty thrones and principalities—and that all of these, together with the multitudinous armed populace, long kept in check or under repression by the strong hand of a righteous Government, the mutiny at once released and turned adrift, as surging elements of mischief, to scour and scourge a desolated land.

"Even by those who were not altogether incognisant of the peculiar constitution of native society, it has been strangely forgotten how vast a proportion of the general population in Northern and Central India consist of those very elements of mischief which have now been let loose, free to follow their predatory instincts, and issue forth to mingle in the sanguinary fray. Aye, and it has been strangely overlooked how, in such a general *mêlée* of anarchy, the active or passive sympathies of numbers of the ordinary peaceable and industrious population must of necessity be excited in favour of the rebels, and against us—leading them readily to supply the former with provisions and information, while provisions are reluctantly doled out to us, and useful information never—thus greatly augmenting our difficulty in defeating their desperate enterprises, and rendering the task of quelling rebellion a far more formidable one than the persevering assertors of a mere military revolt can be prepared to anticipate.

"'That there is a 'military revolt' is, alas! far too conspicuously written in characters of fire and blood through all the military stations of Northern and Central India. But, what all the friends and advocates of right measures for the restoration of settled peace and order must persist in reiterating is, that it is more than a mere 'military mutiny'—that, from the very outset, it has been gradually assuming more and more the character of a 'rebellion'—a rebellion, on the part of vast multitudes beyond the sepoy army, against British supremacy and sovereignty—and that our real contest never was wholly, and now less than ever, with mutinous sepoys. Had we only sepoys for our foes, the

country might soon be pacified. But, having far worse enemies than the sepoys to overcome—even anarchy or utter lawlessness, the extinction of rule and authority, the dissolution of organised society, and the hereditary taste for war and rapine, on the part of millions, which has been evoked and exasperated by a very plethora of indulgence—we may expect the patience, the disinterestedness, and the energy of Christian principle to be taxed to the uttermost before the tremendous conflict shall issue in a solid and satisfactory peace.

"The representation now given I do believe to be, in its leading features, the only true one. And if men were seriously to reflect, it is the only one that can adequately account for the phenomena of the unparalleled struggle which has been carried on for months past. Never has the enemy been met without being routed, scattered, and his guns taken; but though constantly beaten, he ever more rallies, and appears again ready for a fresh encounter. No sooner is one city taken, or another relieved, than some other one is threatened. No sooner is one district pronounced safe, through the influx of British troops, than another is disturbed and convulsed. No sooner is a highway re-opened between places of importance, than it is again closed, and all communication, for a season, cut off. No sooner are the mutineers and rebels scoured out of one locality than they re-appear, with double or treble force, in another. No sooner does a moveable column force its way through hostile ranks, than these re-occupy the territory behind it. All gaps in the numbers of the foe seem to be instantaneously filled up; and no permanent clearance or impression appears anywhere to be made. The passage of our brave little armies through these swarming myriads, instead of leaving the deep traces of a mighty ploughshare through a roughened field, seems more to resemble that of the eagle through the elastic air, or a stately vessel through the unfurrowed ocean.

"Surely facts like these ought at length to open the eyes of incredulous politicians and dreamy speculators, to the dire reality of the condition of things with which we have to deal, and the prodigious magnitude of the task of subjugation and reconstruction that lies before us. I say not this under the influence of any depression but rather of buoyant hopefulness. Believing as I

have always done, that the God of Providence has given India to Britain for the accomplishment of the noblest, divinest ends—believing that the present calamities are righteous judgments on account of our culpable negligence in fulfilling the glorious trust committed to us—believing at the same time that our nation, with all its shortcomings, had enough of Christian principle to cause it, under the breath of Jehovah's Spirit, to awake, arise, kiss the rod, repent, and return to God in the path of appointed duty—I never for a moment doubted our ultimate success in re-establishing the British power, on a grander and firmer pedestal than ever, throughout these vast dominions. Even during those awful nights of panic-terror, when looking at the radiance of the setting sun, one did not know but its morning beams might be reflected from his dishonored blood, the uppermost assurance in my own mind was, that were Calcutta, the most conspicuous monument of the ascendancy of Great Britain in the East, burnt to the ground, and her sons and daughters buried amid its glaring ashes, such a catastrophe would only cause a mightier vibration to thrill through the heart of the British people, and rouse them to exertions for the reconquest and evangelization of India, such as the world never witnessed before."

The next witnesses are of a different country; they are natives themselves, and they describe the scenes which they actually saw in the country they passed through. The narrative is that of certain Hindoo ladies who proceeded up the Ganges on a pilgrimage, and whose graphic account bears, on every line of it, the stamp of truth.

Banks of the Jumna.—"A few months ago, sometime before the breaking out of the mutiny at Meerut and Delhi, a number of persons, chiefly Bengalee women of respectables families of this town, started on a pilgrimage to the shrines of Muttra and Brindabun in three boats. They arrived at Allahabad without meeting with any impediment or obstacle some days before the first of Joistee last, on which date they left that place and entered the Jumna. The mutiny of the 3rd cavalry at Meerut, and of the regiments at Delhi, had then taken place, but they heard at Allahabad nothing of the affair, beyond that some disturbances had occurred at those places. Proceeding up the Jumna for several days, they arrived at Humeerpore, the head-quarters of

the district, the authorities of which informed them of the dangers of the trip up the river; but on their persisting to proceed, allowed them four guards to accompany them to the end of their jurisdiction, strictly enjoining them on no account to cross the river, but always to keep along the Humeerpore bank of it. They got up with safety as far as Michreepore, where the guards left them, repeating to them the injunctions they had already received. From this latter place, they proceeded up to a place called Simarah, a few miles above Calpee, without much serious opposition, as the country was then comparatively peaceable. This last-mentioned village stands on the banks of the river, to which they had been prohibited to go; but the boatmen, fancying that the navigation along it was comparatively easier, imprudently crossed over, and moved the boats,—the number of which had increased to eight since they left Allahabad,—on an adjoining *chur*, for the purpose of cooking their food. They had not, however, been long here, before they could see a party of four or five hundred ruffians, mostly villagers, armed with swords, *latees*, and muskets too, descending down the shore with an intention, which they had no difficulty to conjecture. Fortunately, however, as the alarm had been given in time, they hastily got upon the boats any how they could, before the rascals could arrive on the spot and seize the boats. The river at this place being very narrow, the shouting and yelling of these desperadoes, furious at losing their prey, brought out masses of villagers on the other bank, to which the boatmen and the trembling, weak, and helpless pilgrims, were invited to come over, with offers of assistance and protection. But no sooner had they gone there, than they found that these men were not a whit better than the fellows on the other bank; for their head man told them in plain words that if they wished to be saved from being plundered and dishonored, they must immediately pay down to him and his followers a handsome sum of money as the price of his protection. Under these difficult and dangerous circumstances they handed him six hundred rupees, upon which he agreed to follow them with his men along the shore down to Calpee, where they were assured they would find protection from the zemindar, who had declared himself the rajah of the district. They were told, besides, that the voyage further up was very

dangerous, and that no less than twenty-nine boats, all filled with pilgrims like themselves, had been some days before plundered at Etawah. Accordingly the boats began to ply down, the head man and his men accompanying them along the bank; but what was their surprise when they saw fresh bodies of men appearing on both banks, shouting to them in the most abusive and threatening language to *lagow* the boats; the head man, however, be it said to his honor, still remained their friend, and but for him they had certainly been lost; for he told the boatmen to disregard their threats and use their utmost exertions to carry down the boats, till they reached Calpee, while he with his men employed some means to slacken the pursuit of those who were most furious for the prey. This, however, had the most fortunate effect of raising an altercation between the two parties, which enabled the fugitives to reach Calpee without further molestation. One fact ought to be stated here very distinctly, that among the ruffians who had pursued them, setting all law at defiance, there was perhaps not one mutinous soldier, but that they were all villagers and people living along the banks of the river. This proves very clearly, notwithstanding anything that may be said to the contrary, that whole villages, at least in that part of the North-West, have turned rebellious, and done their best to disorganize the country. These men, it can scarcely be denied, have done their best to overturn the authority of Government, and have in most cases cheerfully obeyed the authority of any rebel zemindar, who had power or influence enough to proclaim himself rajah.

"Arriving at last at Calpee, vainly hoping to see the end of their troubles, the fugitives were immediately surrounded by bodies of bravoes, calling themselves the rajah's men, who came ostensibly with the purpose of protecting them, but really to see what they could get. Here they were detained for nearly two months, during which time, though they were not much molested, they had the mortification of being spectators of many an atrocious act, the principal of which was the cold-blooded assassination of an European gentleman and his lady. When the fugitives arrived at Calpee, they were still living, but only a few days after their arrival, when it is said a body of mutinous soldiers arrived at the place, those two helpless persons were murdered

under circumstances too revolting to allow for description being given. Suffice it to say, that under the heat of a burning sun, both the gentleman and his wife were made to run like horses up and down, till out of mere exhaustion they fell down half dead, when a number of the bloody miscreants hacked them to pieces with swords. The bodies were then thrown down the river like the carcase of an animal. It is unnecessary to state, that while this is being written, the writer is fervently praying to God that the Government may soon be enabled to take the most terrible vengeance,—a vengeance, the remembrance of which may last for centuries in the villages and hamlets of the North-West. At Calpee, too, the fugitives learnt with what feelings of hatred the people looked upon the English, and the desire prevalent among them of exterminating the whites.* One of them who had imprudently said that he could speak English, was brought to a serious scrape, out of which he was extricated with no little difficulty. They had with them several English books, which the boys used to read, and English shoes for their use, all of which they threw down in the water. The self-styled Rajah of Calpee, they also learnt, had given orders in the bazaar to sell Company's pice, which they call *lad shahee*, at thirty-two *gundahs* for the rupee, that is to say, at half their value, and the old copper coins of the place, which they call *balushahee*, at ten *gundahs* for the rupee; a rate which they never had. At Calpee the fugitives were joined by six of the twenty-nine plundered boats already spoken of, which had proceeded as far as Etawah. From the people in them they heard most horrid tales. All the fourteen boats were then allowed to leave on the 1st August last, not before they had been searched, on the payment of a fine of twelve rupees for each of the first eight boats, and six rupees for each of the other six.

* To show the real state of the country, I extract the following from the 'Friend of India.' "On the 24th March the Governor-General opened the railway as far as Futtehpore. The line, it is said, will soon be complete as far as Cawnpore; the line nearly all the way *proceeds through what may not inaptly be termed an enemy's country.* It has been found necessary *to burn the villages on their side of the line, and to post troops at every station.* The first station was protected by a guard composed of the remnant of the 12th N. I., at the second were two troops of Brazer's horse, and at the third some Madras troops with two guns. The affair went off very well; *the guard at the several stations prevented the rebels from attempting to carry off the Governor-General or obstructing the line.*"

As the river had then risen, they descended very swiftly down, without daring to stop anywhere, and notwithstanding the danger of the navigation in the Jumna, the boats were rowed even during the night. When they arrived at Humeerpore, they saw the bungalows of the Europeans looted and burnt, and the place in a state of complete disorganization. Further down Humeerpore, at a place called Churkha Murka, the villagers fired on them from both sides, and even pursued them to some distance on their heavy boats called *kachovah*. It was not, however, before they arrived at Allahabad, that they considered themselves out of all danger. The party has recently returned to town, having paid nearly one thousand rupees to different persons, as the price of their protection, as already stated."*

The following is the account of the condition of the country round Futtyghur, given by Ishuree Doss, a native Christian who escaped the massacre:—

"After the missionaries and other Europeans left the station, things grew worse in the zillah of Furruckabad. The civil officers, notwithstanding their most strenuous efforts for the preservation of order, lost all power of ruling out in the district. Police stations and tuhseeldarees began to be attacked by insurgents passing on the Grand Trunk Road, as well as by dacoits. The latter now lifted up their heads, and thought the time for them to work had arrived. Nothing was heard during the night but noise of firearms, insomuch that the very jackals ceased barking through fear. Our place, on account of the tent manufactory, was in great danger from dacoits; swords and firearms were, therefore, procured, and all the men were obliged to keep up in arms the whole night, and though very few in number compared with the adverse population of the surrounding country, and the extent of the premises to be guarded, were indeed successful in keeping them at bay. Throughout the country, zemindars and others rose up against each other to settle or rather to avenge old differences that existed between them, and disorder and anarchy reigned supreme."

In another account, a native lady, on a journey, had to disburse 180,000 rupees in bribes to marauders, who beset her path in different places, in order to be allowed to pursue her journey.

* "Hurkaru," October 12th.

The next is an American, who thus details to the American people his opinion as to the character of the outbreak:—

"It does not yet appear that the fall of Delhi has produced any very peaceful results among the natives of India. The rebellion is not checked, nor is the war ended. The greater part of the rebel garrison of Delhi has fled into the province of Oude, which will now probably be the great battle ground of the rebellion. Already a large body of armed rebels is collected there, and it is rumoured in Bombay that they have succeeded in shutting up General Outram and General Havelock in Lucknow, thus cutting off their anticipated return to Cawnpore with the relieved garrison of the Residency. Lucknow is yet to become a second Delhi of the war.

"To those whose eyes are not bleared by English prejudices, it is evident that this formidable rebellion is a natural sequence of the annexation of Oude by the East India Company. And there are English presses in India bold enough and candid enough to assert this opinion, in spite of the Governor-General's gag law. The true history of that annexation is yet to be written. The Oude Blue Book, which has been presented to Parliament, is Lord Dalhousie's special plea in justification of the robbery. Many of its statements are absolutely false, and its argument may be considered a disgrace to the public morality of England. But it is, of course, the only account of the transaction which the East India Company and Parliament will consider authentic. It is generally true that the British rule in India has never taken any hold on the affections of the people, and nowhere is this truth more apparent than in the province of Oude. The Oudeans, who are, more than any other nationality in India, a warlike people, hate the English Government with a determination which has been conspicuously displayed by the massacres at Cawnpore and Futteyghur, and by the long, desperate siege of the British Residency at Lucknow. When, in February, 1855, the late King of Oude was ordered to abdicate his throne and his kingdom to the East India Company, and General Outram at Lucknow, with 13,000 English troops near by, stood ready to enforce the order, all the Hindoo and Mahommedan troops in the king's army bound themselves by an oath to defend their sovereign and their country with their lives; and the British

sepoys, who were drafted on the Oude frontier, pledged themselves to one another not to fire a shot upon their relatives in the king's service, should the king resist the annexation, and thus precipitate a war with the East India Company. The rajahs and zemindars of Oude also sent word to the king (during the three days which General Outram allowed him to consider the East India Company's command to surrender) that if he would give them authority they would raise an army of 100,000 men, with 1,000 pieces of artillery, to resist the Company's attempt at annexation. But the king, filled with grief, considered that it would be useless to resist the rapacity of the East India Company. He disarmed his troops, dismounted his guns, and published to his subjects a proclamation of his intentions to surrender his throne and his kingdom. When, on the third day (February 7, 1856), General Outram visited the palace at Lucknow to learn whether the king would comply with the 'Honourable Company's' commands, he found the sentries on duty armed only with sticks. The king had surrendered; and immediately General Outram issued a proclamation, which Lord Dalhousie had prepared for him at Calcutta, declaring that 'the government of the territories of Oude is hereafter vested exclusively and for ever in the Honourable East India Company.' But when the Company began to organize the territories, all those who had been officers of Government under the deposed king refused to enter the new service. The soldiers of the disbanded army of the king refused to enter the new regiments which the Company raised, although every power of persuasion and intimidation was tried to bring them into the new ranks. These and similar facts and incidents of that 'annexation' have never been published that I know of—for the Oude Blue Book would be no place for them, but I recite them to you, at this time, because they possess a fresh interest when considered in connection with the events now transpiring in Upper India. The present rebellion in Oude is eminently a national rebellion. The sepoys, the budmashes, the ryots, the zemindars, are all in arms for their national grievances. Even the massacre at Cawnpore, perpetrated by Oude sepoys, may be considered as a retaliation for gross indignities thrust upon the ladies of the royal family of Oude by the British commissioner a little more than a year ago.

You will find, on page 291 of the Oude Blue Book, a statement of General Outram, that he offered as a bribe to the queen-mother an annual stipend of one lac of rupees, if she would persuade the king to sign the treaty of abdication. The queen-mother refused. After the annexation was formally accomplished, and all the property of the deposed king and his family had been confiscated—including his palaces, parks, menageries, furniture, plate, jewellery, wardrobes, carriages, museum, and library containing 200,000 volumes of rare books and valuable manuscripts; and after his armoury, his valuable stud of Arabian and Persian horses, his dogs, camels, and elephants had been sold in auction at Lucknow, the commissioner turned his attention to the ladies of the royal household, who yet remained in the palace of Chuttur Munzul. The queen-mother has made a deposition that on the 23rd of August, 1856, all the ladies of the king's household were, in spite of their protest and humble petition, forcibly ejected from the palace at Lucknow, and their personal effects thrown after them into the street, by officers acting under the direction of the British commissioner; and also that a sum of money, left by the king for their support, was taken in possession and retained by the British authorities. Do not these facts throw light upon some of the dark incidents of this rebellion? With this conviction it is that I have been induced to occupy so much of your attention.

"We have had here in Bombay a slight touch of the rebellion since I last wrote you. A native officer in the Marine Battalion, and a sepoy of the 10th Native Infantry, have been blown from a gun. The court-martial in the case met at Fort George on the 13th inst., and, that you may know how these things are done, I will give you an account of the proceedings. The charge against these two rebels was in these words:—'For having, on or about the night of the 3rd of October, 1857, attended a seditious meeting, held in a house in a part of the town of Bombay, called Sonapore, and at that meeting they, the said drill havildar Synd Hoossein and private Mungul Guddrea, made use of highly mutinous and seditious language, evincing a traitorous disposition towards the Government, tending to promote rebellion against the State, and to subvert the authority of the British Government.' Under this charge the culprits were found guilty on the

15th inst., when the court 'sentenced them to suffer death by being blown away from the muzzle of a cannon,' and this sentence was executed the day before yesterday, in presence of all the troops in Bombay."

Lastly, the Supreme Government thus characterizes the rebellion in their "Narrative of Events," on September 12, 1857:—*

"In consequence of the *general nature of the rebellion* and the impossibility of identifying the majority of the rebels, or of bringing their crime home to them, the magistrate recommended the wholesale burning and destruction *of all villages* proved to have sent men to take *active part in the rebellion.*"

So much for the character of the rebellion. †

It remains to say a few words about its cause. Here again Oude stares us in the face. Its present condition is a pregnant fact. It is the rallying point and final standing-place of the rebels; it is the representative of the principle which the rebellion embodies, a protest against the wicked and foolish policy of aggression and spoliation euphemized as annexation. It was this which lit the fire and banded together so many of the rajahs and nobles against us. They saw the shadow of events coming swiftly and inevitably on themselves. Their only hope was to anticipate the action of British policy, before, in the terse language of Runjeet Singh, the map should all "lal hoga:" (become red). Hence the conspiracy, and the determination, while it was yet time, to refer the continuance of their rights to that ultimate arbitrement of States—open war.

* See Note, "The Governor-General to the Court of Directors, Fort William, September 23, 1857." (Public, No. 111.) Par. 26 in Parliamentary Return, "Further Papers relative to the Mutinies in the East Indies" (No. 5).

† Dr. Buist thus recants his opinions:—"As it has all along been maintained that the recent rebellion has been nothing more than a mutiny of the Bengal army, it may not be amiss to take a glance at our position as we now stand, with a view of determining who have actually shared in the rising, and of forming some estimate of the amount of work still to be performed before India can be re-conquered and tranquillized. We confess we were long of those who took the exclusively mutiny view of the question, but further lights have dawned upon us since then, and shown that, though the rising of the army was an essential portion of the great plot for the subversion of the British empire in the East, it was after all but a portion of the plot. The disclosures on the trial of the King of Delhi plainly show that for a long period of years there was a deeply laid plan for the restoration of the Mogul empire, in the execution of which every Hindoo or Mahomedan was to lend his aid, each expecting in turn to regain the position and influence he had lost through British supremacy."

The King of Delhi, as was natural, appears from the revelations of his late trial, to have been the head of the conspiracy. This may be thought by some to argue an origin of the rebellion not immediately connected with annexation, and especially with the annexation of Oude. But the King of Delhi knew well that his tenure of royalty was most precarious. Seven years before, at the commencement of Lord Dalhousie's reign, his enforced abdication had been deliberated and determined on by the English Government; it is true that Lord Dalhousie did not deprive the heir apparent of his dignity, nor compel him to submit to terms, whereby, on his succession, he "should leave the palace of the Kootah, and that he should, as king, receive the Governor-General on terms of perfect equality." But the intended measure was perfectly well known, and commented on with sufficient publicity at the time. When Peer Ali, the head of the intended revolution at Patna was detected, "his correspondence proved him to have been in communication with Mussee Owl Yuman, of Cawnpore, *ever since the annexation of Oude*, and showed that a secret conspiracy had existed for some time in Patna, carried on under instructions from the North-West, for some great ulterior purpose." *

Two other facts speak volumes. Nana Sahib, at the date of the annexation of Oude, had £500,000 in the Company's funds. He had from that time been selling out gradually until but £30,000 stood in his name when he attacked the entrenchment at Cawnpore. When he sent by Mrs. Greenway to Sir Hugh Wheeler to offer terms of surrender, he expressly exempted from his affected clemency all those who had anything to do with Lord Dalhousie's government. The proclamation of Khan Bahadoor Khan, the retired principal Sudder Ameen of Bareilly, who set himself up as nabob of that place, was put in evidence on the trial of the King of Delhi. It throws much light upon the causes of the rebellion. It appeals to the religious fears of the populace; the motive of the writer is thus pithily detailed:—

"They have further forbidden that any adopted children shall succeed to the titles of the rajahs of the land, while in our shastres it is so written, that ten kinds of successors are allowed.

* Parliamentary Paper, No. 5 (p. 4), Further Papers on the Mutiny.

"In this manner will they eventually deprive you of all your possessions, as they have done those of Nagpore and Oude."

So far as I am personally concerned, I confess it is immaterial whether the responsibility of late events be fixed on the right shoulders or not: the adjustment of praise and blame will be settled by the historian and posterity, with an impartiality of which contemporary spectators are perhaps incapable. But it is to be observed that this is no question of parliamentary impeachment, no affair of pains and penalties, or criminal indictment; not even one of vote of censure; for it must be confessed that one ministry has been just as remiss as another in respect to India. Lord Derby and Mr. D'Israeli cannot point to any change of policy during their administration which evinced deeper intelligence, and a more lively conception of the condition of India, than that either of their predecessors or successors. But one of the gravest lessons ever read in history lies open before us, and it behoves us to read it right. We may depend on this, too, that, after peace is restored, we shall have as difficult a task before us as ever nation proposed to itself. Indeed the conquest of the future will, I fear, be even more difficult than that of the past. Everything depends upon the steps which we may take. A single false step may be our ruin. We have the confidence of vast masses to restore; as Mr. Lowe says, we cannot play the part of Jack the Giant Killer, and go quietly to breakfast as soon as the foe is laid low. We must gird up our loins to a Herculean task; prudence in our eyes, firmness in our feet, justice in our right hands; with these we must walk right onward. And unless we ascertain these two points, first the real origin of the crash, in which the "traditionary policy" has exploded; secondly, that we have the "right men in the right places," we shall fail. Let us then, as briefly as may be, consider the causes of the rebellion.

What a variety of reasons has been assigned for the outbreak! With some it has been purely a Mahomedan conspiracy, being planned for placing the great Mogul upon the throne of Delhi; the Hindoos have been their puppets and their dupes, soon to be their victims and slaves. But the Mahomedans are but a small portion of the Bengal army, and a small portion of the popula-

tion.* Mr. Samuels, the commissioner of Patna, indignantly repudiates this charge against the Mahomedans. He shows that the great Mussulman population of Patna and lower Bengal, which was left quite unprotected, are peaceable and loyal.† Others say it is the handywork of the crafty Brahmins, who see their sway slipping from them by the spread of education, and that they have made one last stand in favour of caste. Thus European literature and science have led to our calamity; and thus an argument is found against the further extension of knowledge by those whose policy is retrogressive. Some see in the rebellion the special finger of an offended God, angry at our not having used sufficiently our opportunities of spreading Christianity. Others regard it as immediately springing from our tampering too freely with the religion of the natives. We have, say these, to thank the missionaries. Suffice it to point out here the irreconcilable opposition of these two theories; tolerance and intolerance cannot both be guilty; their further consideration will fall under a separate topic. Some, without a tittle of evidence, have attributed our misfortunes to Russian intrigue. It has been traced to the "peculiar idiosyncrasy" of the natives, which tends to a sort of spontaneous combustion, without any assignable cause whatever. A small class has still faith in the Bengal sepoy. Colonel Sykes believes that the murders and the other horrors attributed to the "poor sepoy" will turn out to be the work of Mussulmen, budmashes, and released prisoners. But the so-termed "mild Hindoo" is one of the most cruel cold-blooded of animals, as his conduct towards his own countrymen, on dacoitees and other thuggeries, shows.

The sacrifice of poor young Macgregor by the Hindoos of the 50th regiment to the goddess Deva, before encountering the 28th

* At the Court of Inquiry held on the 34th Bengal N. I., the Colonel stated that the Mussulmen of the corps were very angry at what the Hindoos had done. Captain Aubert, when asked,—"Does the feeling of distrust embrace men of all castes?" replied, "No, it extends to the Brahmins only;" and all the officers of the regiment declared, that while they had no reliance in the Hindoos, their confidence in the Sheiks and Mussulmen remained unshaken.

† Mr. Samuels' statements respecting the loyalty of the Mussulman population, must, however, be taken with some reserve. He is writing up a favorite theory; and the Parliamentary Paper, No. 5, (Further Papers relative to the Mutinies in the East Indies) shows that there had been a Mussulman conspiracy to murder the Europeans, previous to Mr. Samuel's taking up his appointment in Patna.

Madras native infantry, is sufficient to controvert this theory. One old general writes to the papers; after the whole army, with the exception of some isolated regiments, had ceased to be, stating his faith in their loyalty, and fortifying his faith by citing instances of military devotion and loyalty from the annals of the last century; and Sir William Gomm cannot "divine" what has made the "miserable men" revolt. A feeble cry was attempted to be raised against the Indian press, which many would gladly have made the responsible cause of mutiny; but the audacity of this falsehood was too palpable, and the assertion itself too ridiculous, to receive even amomentary assent; and those who had sought to raise the cry were only too willing to preserve the safeguard of their own obscurity, One gentleman traced the origin of the insurrection to revenge for insults offered to the native women. Nothing, in short, was too absurd for speculation and hap-hazard random assertion.

The diversity of views entertained by those members of the Court of Directors who have addressed public meetings or written to the newspapers, is singular in the extreme. No two seem to think alike. Colonel Sykes and Mr. Mangles are utterly antagonistic. Mr. Willoughby contents himself with determining a great many points which are *not* the cause of the revolt, but does not inform us what is. The boasted "experience" of the India House, so necessary for the instruction of the Board of Control, is here manifestly at fault,—and if this be a specimen of the light the Directors throw upon questions in general, certainly there is not here the proverbial amount of safety in the multitude of the counsellors. It would be asking too much of poor human nature to expect those gentlemen to write their own condemnation; and it is not surprising, therefore, to find that they avert their eyes from the annexation policy which is straight before them, and that all such journals and periodicals as they can influence, start, like shy horses, when they come across this unpleasant object. But events beyond their control have unmistakeably pointed out the truth; and the squabble now is to see how responsibility can be most plausibly shaken off—whether the Board of Control or the India House must bear the blame. Let them settle that among themselves. The material point for consideration is not whom we shall blame, but what is the real origin of the rebel-

lion; for our object is not the punishment of the authors of a mistaken policy, but the recognition of sources of peril to be avoided for the future. It is for this purpose that I have endeavoured distinctly to state the immediate cause of the rebellion. When that rebellion was once a-foot, there was no doubt plenty of materials ready for its spread. These some may regard as so many causes of the rebellion. I am disposed to consider them rather as so many conditions favorable to its development and success. Thus, for instance, the lax state of discipline in the Bengal army was not the *cause* of its mutinying; but the condition which made mutiny not only a possibility, but a very probable contingency. Thus, too, there are various other circumstances to which the same remark is applicable. I will briefly enumerate them.

In the first place, no one who knows India will deny that there exists in the hearts of the natives a veneration for the old "Raj," however correct may be the comparison we so continually institute between the comparative merits of English and Native rule. Sir Charles Napier saw clearly enough the standing menace afforded to English supremacy by the presence of the Mogul dynasty at Delhi. "The Delhi king," he writes, "is a mere effigy, yet he forms a moral rallying point around which gathers the dreams of discontented princes, feeding upon prophecies. Such prophecies and traditions as those about Delhi oftentimes work out their own fulfilment. In the present case they are only rendered dangerous by the existence of the phantom king whom we there maintain at a vast expense." 2nd. There existed a wide-spread belief in the fulfilment of a prophecy that in this very year the British Empire would terminate in the East, and the old Mogul dynasty resume its sway over all India. 3rd. There was the expectation of higher pay and grants of land lavishly promised to all sepoys who would join the king of Delhi. 4th. The rumours of plunder obtained by the sack of public treasures, and the robbery of the private property of murdered Europeans; for, according to the Eastern proverb, "the sword ever goes with the pot." 5th. There was the hope of dominion, and license such as the army had never enjoyed under British rule; for it is to be remembered that the interval is wide between lax discipline and military license. 6th. There

was the utter ignorance of the vast resources and actual power of England, which led the plotters to imagine that by the extermination of the handful of Europeans in India, they had effectually up-rooted us from India. 7th. The paucity of European troops, accidentally prevailing at the moment, no doubt was a powerful argument with those who urged the opportunity as ripe for a rising. 8th. There was the natural antagonism of race; and so far as the Mussulman portion of the army is concerned, the religious fanaticism of extermination arrayed against us; and the feelings of consanguinity and nationality on which I have before observed. 9th. The contagious effect of example on large bodies.

But, as I have stated in "The Rebellion in India," we should be guilty of a grevious error were we to endeavour to confine the origin of the rebellion to any *one* cause. Various causes combine to produce every political event; and without wishing to assert that our policy of annexation is the *only* cause, I feel fortified in re-asserting now what I did not hesitate to assert at the very commencement of the rebellion, that its immediate cause was the long pursuit of that mistaken policy, till it culminated on the spoliation of the kingdom of Oude. The falsehood of the plea on which we thrust ourselves upon the people of Oude, namely, that they were suffering from a rule from which it was expedient, nay indispensable, that we should relieve them, has been indisputably proved by the whole nation rising as one man to resist our rule as soon as we had imposed it on them. The exaggerated and ex-parte reports, on the faith of which we professed to base our interference, have been characterized by Mr. Halliday, the lieutenant-governor of Bengal,* as exhibiting nothing which has not its parallel in our own

* "The administration of justice," he writes, "is nowhere alleged to be worse in Oude than it is within our own districts; and it could not be possible, in the most barbarous country in the world, to discover anything more atrocious as a system than is laid open in the recent report of the Commissioners appointed to inquire into the practice of torture in the territories of Madras."

That the people of Oude are no worse than their neighbours is shown by Mr. Lushington, who, in his evidence before the Lords' Committee, (21st April, 1853, Q. 4464) states as follows:—"In illustration of the trustworthiness of evidence, it has been frequently observed by officers whose districts lie on one side of the Ganges river, whilst the territory of Oude is on the other, *that in Oude they speak more truth now than they do in the Company's provinces.*"

territories, while for all that is evil in that kingdom we have ourselves only too much to answer for.*

The real character of the annexation policy was but little known in England. It flattered the vanity of our nation to behold kingdom after kingdom falling with the rapidity and facility of children's houses of cards. There seemed something almost akin to fate in the deaths of one potentate after another without natural heirs. The apparent submission, if not cheerfulness, with which the people of vast districts accepted the substitution of English for native rule, utterly deceived those who, without practical experience of India, thought about the matter at all. Admiration was excited towards the great man whose hand had spread the dominion of England over so extensive territories, and such various races, with an ease, a determination, and a success, which seemed to argue the presence of the loftiest

* There is a curious testimony to this effect recorded by Mr. R. Martens Bird, before the House of Commons' Committee, 2nd June, 1853.

Q. 5626. "On one occasion I had been encamped on the banks of the Gogra while transacting my business in Goruckpore, and I saw signs of smoke arising in various directions on the opposite shore. I sent to enquire what was the matter, and I found that one of the tasildars of the King of Oude was passing through the district, burning the villages, and seizing and imprisoning the people, because they did not pay him the revenue he demanded; and as soon as they found that I was making enquiry I was told that a number of the principal zemindars of Oude had come into Goruckpore, and that, if I liked, some of them would come and speak to me. While this was going on I received a letter from the commanding officer of the English detachment, who had been sent upon the most painful duty of supporting the Nabob's troops in these violences of theirs; he said that the Oude authority had applied to him to request me to seize all those zemindars and to send them over. They came to me and said, 'We have done nothing wrong; we can show you our papers; it was fixed at the beginning of the year that we were to pay such a sum for this year's revenue, (the revenue is always fixed there year by year,) and now there happens to be a fine crop they are asking half as much again; and it is because we will not pay that we are treated in this manner, so we hope that you will not send us over, or that if you send us that you will send some one whom you can trust to see what is done.' I said, 'I shall not send you; they have no right to demand of me to send you; I have nothing to do with it.' They then said, 'How very ill, in reality, you English treat us.' I said, 'What do you mean? I have not treated you ill that I am aware of.' 'No,' he said, 'if you take us under your own management, and manage as you manage the district of Goruckpore, we should be perfectly satisfied and happy; or if you would let us alone and let us manage our own affairs we should be perfectly satisfied and happy. We are quite equal to deal with this Mahomedan Prince; we can protect our own rights; but when you send out a detachment of troops to aid him and support him, they are allowed to do what they please with us, and then we

qualities of statesmanship. The numbers whom the great increase of patronage, consequent upon each annexation, enabled the Governor-General to provide for, rendered the measure necessarily popular in India,* where the recipients of finely paid appointments and almost unlimited power, sang the pœans of the bloodless and pacific conquest. These feelings were reflected at home, where numerous families were gratified at finding what a handsome provision had been made for their friends and relatives. The blessings which English Government would confer upon the people, its superior quality to native rule, and the apathetic indifference with which its substitution for the old regime was received, were all, through a thousand different channels, permeating the entire society of England. And to rivet the fasci-

consider that we owe many of the evils we suffer to you in supporting them in such injustice."

And this is singularly corroborated by the Directors themselves:—In their despatch of October 1st, 1828, I find them saying relative to the misrule in Oude, "We should delude ourselves were we to suppose, that for the state of things thus depicted the British Government is in no degree responsible, or that any one is more nearly concerned than Government in its being promptly and efficaciously remedied. Had it not been for our connection with Oude, although misrule might have attained to as great a height, *it would not have been of equal duration.* The subversion of the government by which it was produced or tolerated, and the substitution of a more vigorous and probably more moderate rule, would have been the speedy result.

"*It is the British Government, which, by a systematic suppression of all kinds of resistance, has prolonged to the present time a state of organization, which can nowhere attain prominence, except where the shortsightedness and rapacity of a semi-barbarous government is armed with the military strength of a civilized one.*"

* The following scheme of an establishment, taken from the Governor-General's proclamation on the annexation of Nagpore, will serve to show the nature and extent of patronage arising from each act of annexation:—

	Rupees.		
One Commissioner, at a salary of	60,000	per	annum.
Two Deputies, each at	1,500	per	mensem.
One Personal Assistant to Commissioner	900	,,	,,
Two Deputy Commissioners, 1st Class, each	1,200	,,	,,
Two Do. Do. 2nd do. do.	1,000	,,	,,
Two Assistant Do. 1st do. do.	700	,,	,,
Two Do. Do. 2nd do. do.	600	,,	,,
Three Do. Do. do.	500	,,	,,
Nine extra Assistants do.	500	,,	,,
One Do.	300	,,	,,
One Do.	250	,,	,,
Three Do. each	150	,,	,,
One Police Serjeant	500	,,	,,

nation in which all classes were enchained, it was authoritatively shown, by official reports and returns, that this policy, so beneficial to the people, was actually effected at a vast saving to the State. "Annexation pays," was the catch-word; and it was everywhere taken up and repeated by an audience only too predisposed by its wishes to credulity. True, there were not a few who ominously shook their heads at the exceeding folly of our proceedings. Great names were cited against this policy of annexation. The authorities whom I have collected in "The Rebellion in India" formed a formidable phalanx; the voices of many experienced men, especially that of the late Mr. John Sullivan, whose posthumous letter* sounds like a voice from the tomb, were raised in vain warning and protest. It was shown to demonstration that annexation did *not* pay, but was effected only at a positive and heavy loss. The whole course of the financial results of Indian annexation, from the inauguration of that policy down to the present day, was traced in figures which have never been found incorrect.† The juggle by which our Indian accounts plausibly presented a balance-sheet in our favour was exposed over and over again. It was shown that any bankrupt concern which had any assets at all—the Surrey Zoological Gardens, or the London and Eastern Bank, for instance—might be made to appear paying by following the precedent of Indian financial statements; the principle of which consisted in taking credit for all returns, and sinking all expenditure, or charging it to other

And the following scale of establishment for Oude has appeared in print, and I believe is accurate. I have no official statement to refer to: that in the Oude Blue Book was only provisional:—

	Rupees.		
One Chief Commissioner	5,000	per mensem.	
One Financial Do.	4,000	„	„
One Judicial Do.	4,000	„	„
Four Local Commissioners, answering to Magistrates and Collectors, each	3,000	„	„
Eight Deputy Commissioners, each	1,500	„	„
Ten others, each	1,000	„	„
Covenanted Assistants	3,000	„	„

* See "Daily News," 7th November, 1857.

† See the petition of Mr. Hume and other proprietors of India Stock presented to Parliament, and published in the Appendix to the Parliamentary Reports for 1852-53. It will also be found set out in the "Rebellion in India," p. 159.

accounts.* The impolicy of depriving the entire native population of all stages for their restless ambition, and reducing all to the dull dead level of peon and pauper, was significantly pointed out. The boasted superiority of English to native government, and especially the preference of the people themselves for the former, were seriously questioned; above all, it was insisted on higher grounds, that the injustice of our course was so flagrant, our disregard of the most solemn treaties so wicked, our wriggles to slide through or over them so mean, our breaches of faith so palpable and dishonest, that not only our national character was lowered and dishonored, but that it was impossible our wickedness should ever prosper: that we could not trample as a nation, any more than as individuals, upon God's universal moral laws with impunity: that somewhere, in some way, and at some time, sooner or later, though man might not be able to predict either the precise moment, or mode, or place, we should inevitably find time bring about its own revenges; and that if we sowed the storm, we must expect to reap the whirlwind.† Some few saw yet more clearly, and ventured to foretell with singular sagacity both the character and the direction of that punishment which they declared could not be far distant; for they saw in the calm of Oude but the stillness of deep waters, and the ominous lull

* Thus, Madras garrisons Cuttack, Nagpore, Straits, Sholapore, and Pegu, at a cost of £1,225,759 per annum, not one fraction of which is charged against any of these States! see "The Rebellion in India," p. 167. In the "Punjab Commissioner's Report," there is a clear admission that the Punjab does *not* pay its expenses. "The pay of our army," it is there written, "has been estimated to be equal to 165 lakhs, or to £1,650,000. The expenditure of the various civil establishments, the commissariat, the executive departments, and the various works in progress, is probably equal to another million, *so that, really, double the revenues are at present spent on the country.*" Another specimen of this system of account keeping may be found in the evidence of Mr. Prideaux before the Parl. Com. Com., 30th May, 1853, 5238-43.

† See a remarkable passage in Mr. John Dickinson's pamphlet on Bureaucratic Government in India:—"Meanwhile the natives have a stereotyped expression for their communication with us, which gives us a false confidence. We tread on ice, and forget the current of passion flowing beneath, which imperils our footing. The natives seem what they know we expect them to appear, and we do not see their real feelings: we know not how hot the stove may be under its polished surface. For the fire is not out, we are obliged to keep it up by our native army, which may blaze into a conflagration, and burn the empire. There may be some Procida, matchless in diplomatic art and tenacity of purpose, who will travel for years to knit enemies against us; who will mine the ground under our feet, and lay

that precedes the burst of our tropical monsoon. But either they were not listened to, or they were scoffed at. They were visionaries; they were cowards; they were incendiaries; they were factious; England, despite of them, should ride on in her glory; and all the nations of India, doomed by their own innate weakness, should fall one after another under our sway, without a sign of opposition or a breath of murmur. Thus, for the season at least, the policy of annexation was irresistible. The Governor-General, like a huge boa-constrictor, woke up from time to time, to swallow some unfortunate potentate, as the repletion from the last meal subsided, and gave rise to a fresh craving for renewed absorption and deglutition.

But at last the policy was brought to the touchstone. Hitherto we had only annexed the kingdoms of "titular" princes—mere shadows without substance; if, indeed, the kingdom of Nagpore, with its formidable neighbourhood to the Nizam of Hyderabad, be not a perilous exception. The little state of Sattarah, the still smaller state of Jhansi, were incapable of resistance. In the Carnatic and Tanjore the royal families had, for half a century, been little more than splendid pensioners and state prisoners, without a foot of territory. The whole of the Carnatic, and the garden of the South, Tanjore, since the year 1800, have been mere ordinary collectorates, administered by the civil service precisely in the same manner as all other districts. Our success and impunity impelled us ever forward. We flew at higher game, and the robbery of the kingdom of Oude was definitively decided on. When we declared that the treaties made with pageant princes were no longer binding, our "allies" were forced to submit. No other course was open to them. There was no tribunal to which they could resort. The appeal to arms, that "ultima ratio regum" for settling disputed constructions of treaties, was obviously impossible where the one party had

the train of combustibles: there may be some outrage, which will suddenly raise a cry, terrible as that which broke forth when the bells of Moureale were sounding to vespers, a cry of 'Death to the Englishmen!' There may be some conspiracy, of which, as at Vellore, we have not even a suspicion, until the native regiments open their fire on our barracks: and, as a merchant who is obliged to throw all his treasure overboard to save the ship, a storm may arise in India which will cost us more to maintain our power than all we have gained, or can ever hope to gain, by our confiscation."—(Page 115, Government of India under a Bureaucracy.)

neither men nor money, and the other was supreme in power and resources. When we sold at public auction the jewels and clothes of the Ranees of Nagpore, we, no doubt, covered ourselves with shame in the eyes of every native in India. A friend of mine in the Mysore commission chanced to be present at that sale. He informs me that when the ladies' wearing apparel was put up, crowds of natives left the place, with their hands before their mouths, crying, "Appah! Appah!" an exclamation of sorrow and surprise. The fatuity of such meanness is indeed inconceivable. Better far would it have been to have thrown the whole of the jewels and the clothes into the Ganges, if they were not to be restored to their owners. But so it was; and the pettiness of our conduct on that occasion probably damaged us more in native estimation than our wickedness, which had, at any rate, the charm of a certain bad boldness; and, perhaps, our subjects had begun to look upon the painless extinction of old dynasties as the work of "*kismut*," or the irresistible decree of fate. But when we struck down Oude, with its armed inhabitants, turbulent among themselves, but rude chivalrous warriors, ready to avenge insult and resist injury; fanatics hating the Kaffir, and ready to die for their religion; when in our pride we slighted the fact that this Oude was the repertory and officina of our Bengal army, we at once brought the annexation policy to a crisis. In the first blush of the affair, it seemed to us that our attack was crowned with the most perfect success. The people made no movement; the king, indeed, positively forbad resistance, and counselled submission. The passive silence of the people was mistaken for acquiescence. The sullen nature of their mood was overlooked. It was the stupor of astonishment which kept them dumb. Our "establishment" entered upon their new duties with the most perfect complacency. They took up their abode in the dwellings of the old nobles with as much *nonchalance* as a man exhibits when he hangs up his hat in a furnished London lodging. They commenced at once upon that peculiar civilian hobby, "revision of the assessment;" the wily, pliant native cringed and dissimulated before them; the well-known flood of intrigue, corruption, jobbery, spread over the land. Money was to be made by the native agency out of this settlement, just as it had been made by similar instruments in Munro's

time; and this system—cut and dried—of civilian administration, which outroots the whole families, ruins the nobility, and aims at the elevation of the masses alone, was brought at once into full play, to the dismay of those who had anything to lose, and to the unsettlement of the minds of all.* So besotted, however, were we by our own arrogance, that even such warnings as were given we disregarded. When an official in Oude was vaunting the tranquillity attending our accession to the kingdom, "Wait till the hot weather," was the reply of the native, "and see where you will be then." Major Bird publicly stated at Manchester that the Bengal sepoys quartered in Oude had offered, at the very moment of annexation, to join the king's forces in resisting

* Revision of assessment means raising the rent in every possible case; and that this was done in Oude is proved by the statement which appeared in the Calcutta papers at an advanced period of the rebellion, that the thakoors, during the insurrection of Lucknow, offered us their military services *if they might have their lands at their old rates*. The following letter, which appeared in the "Englishman," will shew the state of confusion into which everything was thrown, the blunders we committed, and the angry feelings we engendered:—

"The Oude Settlement.—The natives of Oude believed in Lord Dalhousie's proclamation offering to respect the people's rights, and to shew favour and consideration to the servants of the late Government and to all *zemindars* in general, if they should assist the British power in effecting the change of governments with order and tranquillity. The people in general, and the servants of the king in particular, fulfilled all that was required of them by this proclamation: they gave over their country to an old friendly power with a new face, without a struggle, and without an attempt to disturb the general tranquillity of the country, and openly met the demands of the revenue officer without resistance or a single murmur. In one short year the British rule was as firmly established as if Oude were one of the oldest British provinces of Hindostan. For this voluntary act of reconciliation and submission of the people, let us see what degree of faith has been kept by the British officials in Oude, according to the offer made on the Dalhousie proclamation. After the first revenue year of the British era in Oude, the British commissioner in Oude made summary settlements of the land revenue—it was called summary, as there was no time to inquire into the rights of contending claimants, and it was necessary for purposes of revenue to go through the settlement at once. The principle then laid down by the genius of a Dalhousie was not to disturb any party in possession, but to take the revenue engagements from the party possessed, leaving it to a future day to inquire into, or to recognize officially, the proprietary rights of parties, whether in possession or not in possession, when the necessary mutations would be properly effected. The equity and justice of such a rule was apparent, and could never be too highly applauded, whether considered as a political or really financial measure. Jackson's administration in Oude has been marked with the violation of the British faith, with respect to the rights to landed property which have been peculiar to Oude; and the chief commissioner, in giving effect to his arbitrary and impolitic decrees with

the Government; and on the 4th of December, 1856, there appeared in the "Central Star," one of the Calcutta journals, a most remarkable letter from Oude, which, however, excited no attention, plainly as it indicated what was coming. The following is an extract from this important communication:—

"How long, may I ask, do you fancy will the peace of Oude last? Take my word for it—not long. A storm is brewing, which when it comes will certainly sweep us off from the face of the province, like so much chaff. The landed proprietors, who are the greatest sufferers by the annexation, are not suffering their misfortunes in idleness, though in apparent quietness. They could at a beckon muster thousands of staunch followers, who,

respect to the settlement recently concluded, has fallen into the still greater error of entrusting the execution of his decrees into the hands of inexperienced men, who have committed the more serious error of turning men out of property whose possession to the same has dated from generations past; and in those instances where length of time could not be pleaded as a title, still the consent of the real zemindars has been given to the continuance of the possession of those found in possession, but without avail. The settlement officer has pulled down the proclamations of the 7th of February, guaranteeing to the people all existing rights, and has torn out of the Blue Book the rule of conduct which enjoined them to respect the rights of possession, as the best *prima-facie* title to the government revenue engagements, till a better proprietary right could be proved by a regular judicial investigation. The ephemeral popularity intended to be gained by this questionable bait thrown out to the agricultural masses, by turning out the leading men of the country (men noted for their wealth and influence over their own communities) from their estates, long possessed by them through several changes of government and for successive generations, and giving those estates to village occupants whose heritable and transferable rights had long been obliterated, or, if still existing, these could hardly be said to be decided fairly or justly without the trial of a strict judicial investigation. Nevertheless, the Oude settlement officer has taken the *ipse dixit* of such occupants of the soil to be judicial evidence against the proprietors in possession; the latter have been turned out, and the former have been put, to all intents and purposes, into the proprietary possession of those estates, the justification being, that the orders of Government are such 'that you shall deal with no one but *village occupants*.' 'By this injunction we are not bound to respect the rights of possession,' say the settlement officers; and by this arbitrary decree of Mr. Commissioner Jackson, a revolution has taken place in the laws of property in Oude that could not have been effected by the commotion of a civil war. It is not with any desire to cast odium on the administration of Lord Canning, whose character among all classes of the people, whether of Oude or our own provinces, for moderation and justice is highly appreciated, and to whose decisions people seeking redress directly from his lordship look up to with esteem and admiration; but as this *political blunder in Oude*, in estranging properties from people who have held the *prima-facie* rights to them, without the pretext of a judicial or impartial inquiry into the nature of the proprietary rights of one party or the other,

by the spoliation of their masters, have been sent roving about the country,—rife for any mischief. The continued want of decision and unanimity amongst themselves of our authorities tends more than any thing else to unsettle the minds of the people, and create distrust in and discontent with our measures. The late summary settlement, the more enlightened portion of them look upon as a perfect farce, made the more ridiculous by the ignorance of their parts displayed by the actors. In some instances the assessment has been laid on intolerably heavily; in others, so lightly that it is hardly felt; all owing to a want of knowledge of the true, or nearly true state of affairs in the settlement officer, and the cupidity and rascality of the Umlah, at

may lead to causes affecting the tranquillity of a whole, or a portion even of a province, public commentary need not be despised by the head of the Government, as the writer can have no motive to mislead or to create alarm where there are no existing causes for it: but that there is cause for alarm in the wrongful mutations made in the most arbitrary manner by the settlement officers of Oude, any one acquainted with the feelings of the people and the condition of the country would hardly attempt to gainsay. It is not impossible that Lord Canning may have before him at the present day appeals of parties aggrieved by these acts of the settlement officer. It will not meet the demands of justice to *shelve* these appeals on the mere caprice of a secretary, however high the character for intelligence, experience, and integrity of such an officer may be; or there is always a tendency in his estimation of a fact to side with the acts of the members of a service in which conventional ties breed sympathies, and where a wrong act may meet with a justification sooner than an exposure. The question regarding the blunders and injustice done in these Oude settlements is simple and short; and if the aid of any colleague were required, that colleague should be the law member of the Council; it will be left for him to say whether the Government of India, in giving to the people of Oude a foreign administration, could disturb the rights of parties in actual possession of estates without a judicial inquiry:—First, proving a wrong possession or a defective right, would any other process short of a judicial inquiry justify the acts of dispossession. It would be illiberal as it is unjust to embarrass these simple questions by any political considerations, or to raise a defence of the dubious policy aimed at for gaining a short-lived popularity with indigent masses, and making enemies of the wealthy and influential, who are always in the days of trouble the staunchest and best friends of order and good government. If his lordship were to decide the appeals that the people of Oude have sent before him by the dictates of his own conscience and judgment, there would be a chance of justice being done to the people, and the public mind would be relieved of the great excitement that now exists in Oude. By these illegal dispossessions an insurrectionary feeling is fast taking hold of the agricultural masses in our own older provinces; a new acquired country like Oude is but too likely to catch the infection, and our position would indeed be one of difficulty. All this might be averted by the act alone of Lord Canning. Let him do justice to the landed aristocracy, whatever that class of people may be called by the *bureaucracy* of Indian secretaries of Oude."

whose mercy things were more frequently left than to the consideration of the officers,—and behold the result!—universal dissatisfaction and discontent. Three years were allowed to roll over our heads after the subjugation of the Punjab, when the spirit of insurrection kindled itself throughout its length and breadth; the equity of our measures towards that country was never questioned—was not questionable—yet they were for a long time bitterly distasteful to the population; what then must be the feelings of the population of Oude, when the work of annexation, unlike that of the Punjab, has not been brought on by an act of their own, but cruelly forced on them by a stronger power! Depend upon it, not so long a time as three years will be allowed to run its course before the sparks fly about,—unless, indeed, the fire which is now smouldering amongst the ruins of their hearths and houses is quenched in time. For an ocular demonstration of the state of their feelings, all one has to do is to visit on a Friday the religious shrines in Lucknow and the interior, where may be seen myriads of all classes and creeds prostrating themselves and praying, with eyes suffused with tears, for relief from the present thraldom, and a restoration of the former state of things, however bad they may have been."

As the drama of rebellion developed itself, it became more and more apparent that our seizure of Oude was the immediate exciting cause.* The first startling piece of intelligence which crept

* I would here call attention to a most remarkable piece of testimony corroborative of my views and statements. It is a paper from Shaik Hedazut Ali, subadar and sirdar bahadoor of the Bengal Sikh Police Battalion, a translation of which appeared in the "Times" of the 1st April. After enumerating many pre-existing causes disposing the sepoys to revolt, such as their fears for religion, caste, &c., their chronic state of insubordination for the last sixteen years, the impunity of their various breaches of discipline, and the like, he proceeds most distinctly to state that the annexation of Oude was the immediate cause of the rebellion. I will use his own words:—

"In 1856 the British Government annexed the kingdom of Oude. At the time of annexation it was the talk of the whole of Hindostan that the British Government had promised the ruler of Oude (I believe there was a treaty to the same effect) that the kingdom of Oude should never be taken by the English, because in former times the Kings of Oude had rendered valuable assistance to the British Government.

"When the Government of India issued the proclamation of the annexation throughout Oude, the King of Oude also issued a proclamation that on no account should any of his subjects resist the British authorities, and that when the British troops entered his territory all assistance in the shape of provisions should be afforded.

out was the officially recorded fact in the Oude Blue Book, that Oude was the chief enlisting ground of the Bengal army; that out of some 80,000 men composing that force, 40,000 were drawn from Oude; that these men, through their connections, represented some 400,000 of the population of Oude. That

The sirdars of Oude and the army of the king obeyed his order. The people of Hindostan likewise said, 'The country of Oude belongs to the king, and whether he has done well or ill as regards his own government, he has not injured or broken faith with the English in any way; if the British Government dethrones a king who has ever been so faithful to them, what independent nawab or rajah is safe?' For the above-mentioned reasons, every sirdar who had anything to lose began to fear and suspect the British Government; but they felt that they were helpless, having no army with which to resist, and so they remained quiet, waiting for a favourable opportunity to rise.

"The feeling of the people of Oude became known to me in the following manner:—I was proceeding to join the Sikh regiment Captain Rattray was raising in the Punjab, and arrived at Cawnpore on the 14th March, 1856. On that day the Nawab of Oude also reached Cawnpore on the way to Calcutta. I remained at Cawnpore six days, and had frequent interviews with the king's vakeels, courtiers, and servants. No one but his own people ever saw the king. The principal people of Cawnpore, and many of the native officers and sepoys from the regiment stationed at Cawnpore, had interviews with the vakeels and servants of the king. They were all of opinion that the Government had acted unjustly in annexing the country of Oude, and they all sympathized with the king and his sirdars.

"The vakeel, or minister, of the Bithoor chief (the Nana Sahib, who is so well known for his perfidy and cruelty) was present, and said how displeased and angry his master was with the British for annexing Oude.

"The serai in which I had taken up my temporary abode became so full with the king's people and their visitors that I was compelled to leave it. I went and lived with Shaik Raheem, a subadar in the 2nd Company of the 1st Native Infantry. I learnt from this officer that the sepoys of his regiment were all indignant at the King of Oude being dispossessed of his kingdom, and talked openly among themselves as to the little faith that could be placed in the English after their treatment of the king, who, himself and his progenitors, had been so faithful to them. A few days after this I proceeded and joined my new corps at Lahore, and returned with it to Bengal.

"On the march down I learnt that the native infantry regiments at Barrackpore were beginning to show symptoms of mutiny, so from time to time I learnt all I could of their proceedings, which I duly reported to the commanding officer of my regiment.

"I have no hesitation in asserting that the rebellion first commenced in Calcutta, when the King of Oude was either a prisoner or under surveillance.

"The reason for the mutiny breaking out at Cawnpore is this, as stated above. The King of Oude reached Cawnpore in December, 1856, and stayed there twelve or fifteen days, and the inhabitants of Cawnpore and the sepoys had many opportunities of planning mutiny and rebellion. The annexation of Oude, in addition to their other imaginary grievances, caused a universal disaffection throughout the army, and from that time it determined upon mutinying."

every family in Oude among the agricultural and manufacturing classes had, at least, one member in the Bengal army; that thither the time-expired and pensioned sepoy retired to pass his old age; that the entire population was warlike in the extreme. Soon came the first rumblings of the approaching earthquake. That gallant soldier and able man, Sir Henry Lawrence, sought to allay the rising storm by acts of severe example on the one hand, and rewards of honour and words of lofty assurance on the other. The wisdom of that speech was questioned at the time; it is not for me to speak aught but good of that gallant gentleman now that he is no more. Then came the tidings that he scarce could hold his own; then, with communications interrupted, we heard by a stray messenger that the little camp was beleagured by multitudes, who swarmed about the devoted band with the pertinacity of Aztecs,—although the full heroism of that most wonderful defence was not surmised until Brigadier Inglis had chronicled them in words worthy of the deeds; next we learnt that 20,000 men of the besieging force had left *for the cultivation of their fields*, whereby we were assured that this was no mere military mutiny, but an insurrection of the people.* Then came the twice repeated efforts of Havelock to relieve the garrison, and we heard of every village made a part of defence, every house a fortification, every male capable of bearing arms opposed to our passage.† Similar bulletins were published by Sir Colin Campbell on his advance. All these facts indisputably prove, that so far as Oude is concerned, we have to contend with a *national* revolt; and it is abundantly clear that the national revolt of this kingdom is solely attributable to annexation; so clear, indeed, that those very London journals which first scoffed the idea, are now solely occupied, according to their respective

* We hear occasionally that revenue is being collected, and that there will be no material deficit after all. The object of these statements is, of course, to create a belief that the people at large have been peaceably cultivating their lands, and therefore *not* engaged in rebellion. The statements require verification. The extent of land to which they are applicable must be established; and even if the reports should turn out correct, they prove little; for the native knows that if he does not till the ground this year, he must starve next. Just so we see 20,000 Oudeites leaving Lucknow to sow their lands, while the rest prosecute the siege, and this is precisely the condition of things which Strabo recounts, even in his time.

† See the admirable letters of Lieutenant Crump of the Madras artillery, published in the "Saturday Review."

politics, in abusing the Court of Directors or the Board of Control as the authors of the policy; so that those whom they support may be exonerated from the responsibility of what it is vain any longer to deny.

To these we must add Sir Henry Lawrence's own warning in the pages of the Calcutta Review.

But it may be said the general quiet of the people of Lower Bengal, Madras, and Bombay, surely argues contentment with our rule on their parts. This I am by no means prepared to allow. What is the condition of the people may be best gathered by a perusal of the Bengal Missionaries' Petition, Mr. Halliday's Minute on the Police, the Madras Torture Report, and other papers of the like nature—among which I would mention my own exposition of the condition of Madras; and I say it is impossible, while life and property are no better secured, while the administration of justice is such a miserable misnomer, and the people are ground down by oppressive revenue "systems," that there can be any content or affection towards us at heart. It is true we have secured them against the incursions of the Mahratta and the Pindarree: no "chout" is now paid, no "wulsa" sets forth on its melancholy pilgrimage; but this security has been purchased at a heavy price, and the gang robber and the policeman still infest the country. Everywhere the dispossessed enamdar, the ruined zemindar, the pensioned rajah, nurse a sullen and natural, if not a just vengeance against us, and it cannot but be that there are many elements of disaffection abroad among the population. We may, perchance, be referred to the loyal addresses of the natives as a proof of their staunchness. But I put little or no faith in these demonstrations. The few educated natives probably wish us well, sincerely and at heart; the wealthy merchants and bankers at the Presidency capitals and in the chief marts of trade, dread the prospect of having to open their coffers to supply the wants of less scrupulous rulers than ourselves. I see a few natives here and there have offered us their hollow and cheap lip-service, but where have they stood forward with their persons and their purses to help us at our extremity? What instance is there of the Bengalee, who insulted the English inhabitants of Calcutta as a "faction" in a memorial, for which Lord Canning thought it not unbecoming to

record his cordial thanks, having lifted a little finger in our behalf? They have shared in no peril; they have volunteered no services; they have not lent us their cattle without an Impressment Act: and expressions of loyalty after the fall of Delhi may be as good policy as they are racy of expression. But the truth is that these memorials and addresses are the merest shams conceivable. We have seen a good many in the Presidency of Madras, and a little probing would, doubtless, show that they were got up by the native revenue and judicial servants. Madura sent up its address to Lord Harris, but furnished a fitting commentary in a dastardly attack made shortly after on two harmless photographers, who were abused by a mob as *English* printers. The tax-collector of Rajahmundry, in forwarding the address from that district, thought it necessary to state his belief that it was purely spontaneous. A defence before any accusation is made is proverbially suspicious. I happened to be in Cuddapah, retained on a criminal trial, at the time that the "loyal address" from the inhabitants of Cuddapah appeared in the "Fort St. George Gazette." I took the trouble, being on the spot, to make some inquiries touching this document. It bore forty signatures. Cuddapah is the most populous district in the Presidency of Madras. The population numbers 1,451,921. None of the indigo growers or other large landholders about the place had ever heard of it. It bore the names of the collector's sheristadar, and a few of his cutcherry officers; but none of the judge's native servants had signed it, because the judge was not on speaking terms with the collector. The rest of the names were mere "Ramasaumies" without any village addition, so that it was impossible to trace or verify them. They were, doubtless, either forgeries or the signatures of the subordinates and creatures of the collector's sheristadar. It may be good policy to parade these affairs in the "Gazette," and for the Governor to graciously acknowledge them; but in this instance "forty thieves" may, literally, be said to have stood for the whole population of Cuddapah. The Calcutta Baboos petition purports to be signed by a rajah who, it is said, was dead some months previously. The "Times" seeks to give it respectability by asserting that the Rajah of Burdwan signed it. He did no such thing. He signed a petition of a very different tone and temper,

and the absence of his signature at once stamps the Baboo petition with suspicion. There are also certain general considerations connected with this subject which ought not to be overlooked.

The condition of social or political science is at present ruder and cruder than that of any other science. The little progress that has been made in it is principally empirical, and we have but few foundations for laying down any satisfactory generalizations; but little as we know we certainly are not warranted in any *a priori* expectation that the people of India would regard us with esteem. *Passive* obedience indeed may be deemed the natural growth of Asiatic masses. But there has been no attempt on our part to introduce such a system of training as was the vital principle of the ancient civil and military politics; indeed the attempt would have been impracticable. Nor was there any possibility of a spontaneous *loyalty* springing up in regard to us. Loyalty must connect itself with some notion of divine or unavoidable superiority; with ancient laws or liberties, or with political freedom. It needs no argument to show that our Government has not exhibited itself in any of these relations to the people of India. Lastly, there is not that principle of cohesion which would make the conquerors and the conquered acknowledge a common nationality; such as Rome succeeded in establishing throughout her provinces—to such an extent, I believe, that all her dependencies, with the exception of England, spoke the Latin tongue, on the ruins of which are built the French, the Italian, the Spanish, and Portuguese.

We have escaped a national revolution by almost a miracle. The greatest foes we have now to contend with are the ignorance of the people and our own ignorance of them; and if we will now amuse our own vanity by listening to the charming of those who would fain persuade us that the tranquillity of the people at large is a proof of their affection, we shall have thrown away such a warning as, perhaps, may never be vouchsafed to us again; and because we will not ascertain the real feelings of the people, we shall pursue a line of policy calculated to cause hereafter another and a *general* rising. Let the tranquillity of Oude stand forth as a sign of the little trust that can be placed in appearances when we are dealing with Asiatics with arms in their hands and

vengeance in their hearts. We owe our own safety to a few very remarkable circumstances. First and foremost is our bulldog courage. Had the people of any other nation than England been masters of India and taken in the same state of unpreparedness as we were at the outbreak of the rebellion, it is not vanity to assert that they would have been swept off the face of the earth. I speak not of individual acts of heroism, though, in truth, the conduct of every man and woman, under the most trying emergencies, has been heroic; for other nations would, doubtless, have shown many equally splendid examples of passive fortitude or active daring, but of that abiding sense of duty, so peculiarly English, arising superior to all other considerations, and constraining men to do each his best until he conquered or died at his post. Hence the secret of our holding our own before Delhi, in Lucknow, and in Wake's house at Arrah, against the most tremendous odds; hence the feeling which grew with experience, that we could not be conquered; hence every peaceful citizen started at once into the voluntary soldier; hence the overthrow and despair of our enemies, who now ask themselves what chance they can have against our vastly increased forces if they could not prevail against our small and scattered handsful; hence the pause of those not yet implicated to commit themselves openly to rebellion; hence the *late* loyal addresses of the natives, who hasten to proclaim their allegiance when they see which way the wind blows.

Our own right hands, under Providence, deserve the first place in the catalogue of the causes of our safety; but next, certainly, is the singular concidence that in two of the most important and vital points of the empire the reins of Government were held by *educated* men. In Nepaul, Jung Bahadoor was supreme. He was thoroughly educated in the resources and real power of England. His visit to England had taught him not to measure our strength by the visible display of the few soldiers who garrisoned India; he knew well what vast power we should throw into the contest; he could scarcely have guessed the tardy fashion in which reinforcements were to be forwarded; and he proffered his aid at an early period of the struggle. Would only that a thoroughly mistaken apprehension of the

real magnitude of the crisis had not rejected his invaluable assistance! Let us conceive what might have been the result if Nepaul had been governed by a fanatic ignorant Mussulman, and the Goorkas had swept down upon us from their hills when we were besieged before Delhi, and re-acted on a smaller scale the tactics of the Crimea. So again it chanced that in Hyderabad the young minister, Solar Jung, is thoroughly English in his ideas and predelictions. Fortunately for us the old Nizam died just before the mutinies, so that we reaped no inconsiderable credit from our voluntary recognition of his successor. Had this event happened a few months later, no power on earth would have persuaded the people of Hyderabad, the most turbulent and formidable body in the Presidency of Madras, that our abstinence from our ordinary annexation policy was not extorted from our fears. Even as it is, Hyderabad has been a constant subject of uneasy apprehension; and it is not too much to say, that nothing but the English feeling of Solar Jung has prevented an outbreak in that city. It is well known that treasonable correspondence was carried on between the people of the city and the troops of the cantonment. The Resident actually warned a cavalry regiment on parade that he knew of their disloyalty; an attack was made upon the Residency, though weak and ill organized, and Solar Jung has exposed himself not only to much suspicion and hatred among the Hyderabad population, but has succeeded in keeping down insurrection at great personal risk. Had Hyderabad gone it is impossible to say what might have been the consequences. The discovery of the plot at Nagpore at the eleventh hour, shows how ripe the neighbouring state was for revolt. It is well known that the Mussulmen of Triplicane were only waiting the signal of a rising at Hyderabad to put their hands to the harvest; and there is not a military man with whom I have conversed on the subject, who has not expressed a decided opinion that if Hyderabad had risen we could not have escaped insurrection at Kurnoul, Nagpore, Bellary, Cuddapah, Bangalore, Madras, Trichinopoly, and other cities; while it is scarcely possible that the Bombay Presidency, so much more uneasy as it has proved itself than Madras, could have escaped the spread of such contagion. Holkar, educated by Sir Robert Hamilton, has stood staunch;

Scindia had reformed his courts of justice, and introduced extensive reforms into his territories and government;* and it will be curious to inquire into the character of the other rajahs who have stood by us. One man or rather monster may suggest himself as a contradiction of the truth of this theory. Nana Sahib has been spoken of as an educated man; and some journals have even held him up as the embodiment and type of what it is the fashion to call young Bengal; arguing, that if he be the result of education, policy should teach us to enlighten no more natives. But it is a mistake to regard Nana Sahib as an educated man. True he has a smattering of English, but I hear that he is so ignorant of even our language that he could not converse with his guests save through an interpreter; and as to education, in its only valuable signification, he is as uninstructed as the lowest mutineer. He knows nothing of European literature, science, or morality; and is, to all intents and purpose, an ignorant uneducated native.†

Let us acknowledge with thankfulness the debt we owe to the

* The following extract is taken from the "Athenæum" of the 2nd June, 1857:—"The Maharajah Scindia, we learn from the "Mofussilite," has instituted great reforms. His dewan has compiled a civil and criminal code, the system of farming the revenue has been abolished, village leasehold settlements on terms more favorable to the ryots than exist in our own provinces have been made, a sudder court has been established, and various grades of moonsiffs have been constituted. To add to this goodly catalogue, it may be mentioned that the revenue exhibits a substantial surplus, that schools have been established, roads and bridges made, and transit duties abolished. The Maharajah also possesses an admirably drilled and disciplined force of regulars of all arms; a portion of this force is now in Agra, attesting, as our contemporary truly observes, alike to Scindia's military talents and his friendly confidence in the British Government."

† Since the writing of these lines, Mr. Halliday, the lieutenant-governor of Bengal, addressing an audience at Calcutta, thus corroborates what I have said:—

"It is to ignorance, not to the presence, of education, that we owe, if not the rebellion itself, certainly the dark and dismal horrors which have distinguished it. Those who have imbibed the greatest share of English ideas and knowledge have taken the least part in the recent troubles and atrocities; the best educated have been universally the best affected; and I know scarcely one well authenticated instance of a really educated native—I will not say joining, but even sympathising, with the rebels. When I say this some of you will probably think of the Nana, but the case of the Nana is no exception. It has been said, and quoted over and over again, that that execrable and atrocious miscreant is a man of English education. But I am informed that he has merely a small smattering of English education, and that he cannot, in any one sense of the word, be called an educated man. The cause of education has much suffered by this mistake committed in respect to the Nana."

educated natives; and regard this little known fact which I have explained, as one of the marvellous circumstances in our favour, which look as though they had been pre-ordained to prevent our utter extermination; so that while we have been cruelly aroused to the true character of our own position in India, and awakened to the perception of our duties as the governing power, we are still preserved for the purpose of discharging those duties. We are far more necessary just now to the natives of India than they are to us. England would indubitably sink in the scale of European nations to a second-rate power if she were to lose India; but if India were to lose England, eye hath not seen, heart hath not conceived the horrors that would be in store for this unhappy land. The present struggle has not brought forward a single man of mark, not even a commander of ordinary capacity.* There does not exist among the whole people the man now alive who could re-organize the Government if we were expelled to-morrow.

Every man's hand would be against his neighbour; each petty rajah would be at feud with the other; the people would be the universal sufferers. Soon religious differences would arise between the Mahomedans and the Hindoos, for the latter could not now tamely submit to the domination of the former. The banker and the merchant, in fact every man with even the appearance of wealth, would be the special mark for plunder and torture; indeed, the description of what has occurred even among the rebels themselves, and in the territories which have felt their presence, gives us a sufficiently significant glimpse of what would happen had they prevailed in the extermination of the British; though the extortions, the murders, and wanton crimes which the natives have committed upon each other in the course of the rebellion, afford but a very faint sample of what must have universally happened had any new "Raj" been established.

It would seem as though the destinies of both nations, so much in want of each other, required such a shock as that we have just felt to rouse us to a sense of our duties, and secure their fulfilment. Year after year remonstrance, warning, evidence,

* I have seen Nana Sahib spoken of as a commander of consummate military tact, but the grounds for such an assertion are not set forth. Koer Sing is probably the ablest man among them.

argument, entreaty, was poured out before the English nation, whose lethargy was as that of the seven sleepers. Nothing short of the grand crash with which the East India Company's system has at last exploded could excite attention and sympathy towards India, or teach us that we cannot accept only the profits and pleasures of government to the neglect of its chief obligations. God knows we have been bitterly punished for our listlessness and remissness. But the thunderstorm clears the atmosphere. May we have learnt wisdom from our sufferings; and henceforth, while we sternly exact the full *rights* of Government, earnestly and conscientiously apply ourselves to the faithful fulfilment of its *duties!*

CHAPTER III.

Topics 3rd—6th.

III. How shall we treat the Rebels?—IV. Had the Supreme Government warning of the coming danger?—V. Were all practicable measures taken to meet the crisis?—VI. Who is to pay the cost of the Rebellion?

There are several topics of some importance which it is well to dispose of before we proceed further. The first is, what shall be our treatment of those who have risen against us, after victory shall have placed them in our power? This question has in a great measure already solved itself, and the work of punishment and retribution will probably be complete before Parliament could interfere, even if it were disposed to do so. There has been an insane cry for vengeance raised in England, and by some journals in India, especially the "Friend of India" and the "Lahore Chronicle." The pulpit was in some instances made the vehicle of most unchristian denunciation, and most uncharitable advice. The wildest propositions were launched by public speakers, and Mr. Bernal Osborne and other orators spoke soberly of sowing Delhi with salt. Mr. Colvin's proclamation and Lord Canning's "Clemency Order" excited great indignation. Nothing short of extermination was thought sufficient *amende* for the atrocities of the sepoys; a natural though unreasoning anger was raised at the cruel murders of our women and children. Even Lord Shaftesbury demanded an eye for an eye, and a tooth for a tooth. Fire and sword must desolate the homes of such wretches; the survivors must pass under the yoke. It would be an easy task, were it not beside my purpose, to cite historical passages which would show that horrors of equal magnitude have accompanied revolutionary movements since the world began. Rape and child-murder are no new crimes, nor is this the first time we have heard of infants being tossed up

and caught on the points of bayonets and pikes. The massacre of Glencoe, the horrors of the Irish outbreak, the sack of Magdeburgh, the great French Revolution, the cruelties to the Albigenses, and fifty other historical recollections, at once suggest the *a-priori* probability that such demi-savages as the Hindoos would accompany their attacks with atrocious cruelty. Our sea-fenced island home is so isolated from all practical experience of the horrors of popular commotions, that the novelty of cruelties and indignities perpetrated on the persons of our own citizens breaks upon us with all the more startling effect, and excites the keener indignation. Subsequent accounts, however, seem to qualify some of the worst stories at first rife; at any rate, so far as to bid us suspend our judgment, and demand further enquiry. Extermination, not dishonour, seems to have been the main object of our enemies. But I am not disposed to undergo the risk of being mistaken for an apologist of the sepoys. Our men, women, and children have been inhumanly butchered; whether nameless injuries have, in addition, been inflicted on them previous to the fatal stroke, may require clearing up hereafter; but death is the fitting penalty of simple murder; we can inflict no worse penalty, even when murder has been accompanied by the most revolting circumstances of cruelty.

The "Morning Star" in England, the "Athenæum" in India, from the outset, steadily and humanely opposed the cry which was raised for vengeance; and I do believe that calmer reflection has caused many to feel shame for their first out-pouring of blind and universal wrath. Indophilus has shown that Mr. Colvin's proclamation was not only justifiable, but in conformity with established precedents. Having regard to the time when it appeared, it was not only justifiable, but politic. Those who were on the point of becoming mutineers had a *locus penitentiæ* afforded to them; they were plainly warned that such as did not avail themselves of it would find no mercy. Lord Canning's "Clemency Order"* appears to me to have been right in principle, though it was most infelicitously worded; and the blunder in this particular instance some may think consisted in *publishing* the order, instead of sending it in the shape of private

* 31st July, 1857.

instructions to the authorities whom it concerned.* It was addressed, be it remembered, exclusively to the *civil* officers of government. It did not in any way profess to interfere with military action; or to hamper the authority of the generals in the field. One of its consequences might possibly lead to embarrassment, inasmuch as guards might be called for to take charge of prisoners, whose trial, or enquiry respecting whom, was pending; but there had been, as was well known, indiscriminate slaughter, entire villages given over to fire and sword in the North-West; † a sepoy deserter who could prove that he had saved an officer, or not participated in the rebellion, was rather deserving of reward than to be strung up like a dog; and the Governor-General might well have addressed a caution to the magistracy in a private circular, though the time was ill-chosen for such a public manifesto as was then put forward, with its vague expressions of men "who had no heart in the mutiny," severity "after the requisite impressions" made, &c., and its liability to be mistaken for an act of sympathy rather than justice.

But, after all, I believe that the quarrel with regard to the proper treatment of the rebels is rather one of words than anything else among thinking men; that all desire pretty much the same thing in fact. The nation, drunk with fury, is now returning to its sober senses. The "Times," which denounced Lord Canning's "Clemency Order" in no measured terms, now praises him for its wisdom. It is retribution, not retaliation; punishment, not revenge, we aim at. Only I say while that punishment is stern, let it be no more than just. We may, if we please, make

* Lord Canning, in his remarks on the Calcutta petition, states that the order was published without authority in a Calcutta paper: and that it was sent in the ordinary course round to the authorities. Without approving this particular document, I think that the principle it was meant to uphold could not have been too widely made known. In proportion to its publicity would be its effect upon the native mind. See paper No. 73, on the motion of Sir H Verney, H. of Com. 12th Feb., 1858, p. 8, note (30).

† See Parlt. Paper No. 144, 11th Dec., 1857, and paragraphs 11, 12 of Lord Canning's order of the 31st July. The 11th paragraph is as follows:—"Another point to be noticed in connection with this subject is the *general burning of villages*, which the Governor-General in Council has reason to fear may have been carried too far *by some of the civil officers* employed in restoring order."

a solitude, and call it peace; but if we sweep off the inhabitants from the face of the land, without reference to their guilt or innocence, we shall inflict a wound on India which years will not heal; and the true statesman will look at least as much to the future as to the present. England need be under no alarm that full retribution will not be dealt out. Already for every one of our countrymen who has fallen, a hundred native lives have paid the penalty; and before order is restored, a hecatomb of victims will be offered up. The butcher's bill will be long enough in all conscience to satisfy the cravings of the most blood-thirsty. By all means let England unmistakeably convince Asia that our citizens cannot be slaughtered without punishment swift, sure, and deadly overtaking the perpetrators; all those who think with me demand that the innocent be not confounded with the guilty, especially that the misguided people be not indiscriminately butchered.

The culpability of those in arms against us is of various shades. We must not lose sight of the important fact that there are, at least, four classes with whom we have to deal, and whose cases widely differ from each other. There are first the sepoys who owed us their allegiance, and received our pay. Secondly, there are the rajahs and nobles who have taken the field against us. Thirdly, there are the people who have followed the standards of their feudal chiefs, or have risen in insurrection in various parts of the country. Fourthly, there are our own native civil servants who have been untrue to their salt, and in some cases headed the murderers of their employers. The sepoys have forfeited their lives by a double crime. Death is the penalty of mutiny alone; they have added cold-blooded murder to their offence. No quarter should be given them in battle; the fewer prisoners we encumber ourselves with the better. The terrible contest under the gateway at Lucknow, where 2,000 fell before the British bayonet, is the best fashion of disposing of those who meet us in the battle field. We cannot afford to take prisoners. They have set their lives upon the cast; let them stand the hazard of the die. So of those who desert, or who are brought in after the contest is over, let one and all meet their just deserts. There may be isolated cases here and there, where mercy may be not misplaced; but short need be the shrieving of

the majority.* Too signal an example cannot be made of the villains among the native civil servants who have been faithless to their trust.† The people at large, ignorant, and perhaps, in many cases, constrained or misled into rising against us, are legitimate objects of clemency. For them punishment should be the exception not the rule; only such being selected for example as can be proved to have been free agents and conspicuous in action themselves, or in exciting their fellow subjects. The treatment of the captive rajahs requires delicate handling. Lord Macaulay's course is just and politic in the extreme.

"The rule," he writes, "by which a prince ought after rebellion to be guided in selecting the rebels for punishment, is perfectly obvious. The ringleaders, the men of rank, fortune, and education, whose powers and whose artifices have led the multitude into error, are the proper objects of severity. The deluded populace, when once the slaughter on the field of battle is over, can scarcely be treated too leniently."

But among the rajahs each case should be carefully investigated, and dealt with according to its special circumstances. The Rajah of Bublŭbhghur was lately tried by court martial, and suffered the extreme penalty of death, *notwithstanding he had saved the lives of three Europeans;* and was constrained, by his contiguity to Delhi, to temporize *after* the city had been seized by the rebels, and the whole country, save that little spot on which arose the tents of our force, was in their power. No proof was adduced that the rajah had taken part in the conspiracy *before* the outbreak; and these were distinguishing facts which would have justified a more lenient sentence than that of death. Indeed the policy of this extreme punishment is most mistaken. It leaves others, in arms against us, no hope but in despair. They will argue that it is better to fight it out with harness on

* A story is told of the summary proceedings of court-martials in the rebellious districts. A smooth-shaved quiet-looking villager (apparently) is brought in and put at the bar. On a sudden an officer smartly cries "attention." If the prisoner draws himself up, lets his arms fall down, "the hands extended, with the little fingers against the place where the seam ought to be," no further proof is required. The sepoy stands confessed, and he is hanged incontinently.

† Such are Achmet Ootah Khan, deputy magistrate at Futtepore, who murdered Mr. Tucker, the Judge; and Khan Bahadoor, of Bareilly, who tried and executed Mr. Raikes and other Europeans.

their backs like men, than die like dogs if they surrender. A regiment of mutineers the other day came down to the river on the Oude side, and commenced firing on our men. They said they would come over to us *en masse*, but that they knew they would all be hung if they did. If the plea of having saved the lives of Europeans could not avail the Rajah of Bublubhghur, what have those to expect who cannot urge similar claims to mercy? And what is the use of sparing the European prisoners still in the power of the enemy, if one and the same fate awaits all—those who have spared, and those who have spared not? Maun Singh, the great zemindar of Oude, has saved the lives of some forty Europeans; he has, apparently, been coerced into opposition; he has obeyed Outram's direction to retire to his own place and remain quiet; what shall be his lot when he surrenders or is taken? We have guaranteed the life of that arch traitor the King of Delhi, who should have been hanged over his own gate as high as Haman. It was a mistake which saved the old villain in the first instance; but our word once pledged must be henceforth kept at any sacrifice. If we exhaust civilized punishment on the persons of those who have not reached the extremity of guilt, what margin do we leave for Nana Sahib?

"Crimes," writes Burke, "are the acts of individuals, and not of denominations; and arbitrarily to class men under general descriptions, in order to proscribe and punish them in the lump for a presumed delinquency, of which, perhaps, but a part, perhaps, none at all, are guilty, is indeed a compendious method, and saves a world of trouble about proof; but such a method, instead of being law, is an act of unnatural rebellion against the legal dominion of reason and justice, and this error in any constitution that entertains it, at one time or other, will certainly bring us into ruin."

I need not pursue this subject further. Enough has been suggested. Let us only remember that we cannot inflict wholesale vengeance on India without seriously wounding the life-springs of our own dominion. Never was there a case in which it was more true that mercy blesseth twice.

Another topic, on which a few words will not be thrown away, is the question whether the Indian Government had a warning of what was coming; and whether all practicable measures were taken for meeting the crisis.

As to the first of these matters, if we may trust the evidence on the King of Delhi's trial, Mr. Colvin had ample notice of what was about to happen; and we have heard it repeatedly asserted here that the Government had been warned in time. Certainly, the fact which came out on the King of Delhi's trial looks very like it. The singular letter which appeared in the "Central Star," so far back as the end of 1856, was patent to the world as well as to the Government. A great mass of controversial writing has appeared in the London journals on this topic. The "Times" asserts, as it were apologetically, that the Indian Government is so constituted that it could not expect to be furnished with any intelligence, and possesses no means of its own for detecting conspiracies among its subjects. If this be true a more damning sentence was never written, for it conclusively shows the inefficient character of our Indian rule. The fact is that there never was a country in the world which presented equal facilities for espionage. A cat ought not to be able to creep from one village to another without its being known, if the village police had been properly constituted and cared for. What are we to think of that Government which with a great conspiracy concocting under its very nose, embracing many potentates and nobles, ramifying through an entire army, and sending forth its emissaries in a thousand directions, nevertheless had no single clue to the plot; had not a spy or any means of procuring intelligence itself, while not one of the vast numbers implicated would betray his trust? The thing appears impossible, and the truth should be diligently searched out, so that the public may see plainly whether warnings were given and neglected; or if the Government be of the helpless imbecility assigned to it by its apologists and supporters. Now the evidence of Sir Theophilus Metcalfe on the King of Delhi's trial shows that the proclamation purporting to come from the King of Persia was posted up on the walls of the Jumna Musjeed, "a short time before the outbreak at

Delhi,"* and "that an attempt to overthrow the British Government was known to be in contemplation long before the first act commenced." And yet Delhi was left without a European soldier, and the Government slept on without a thought for the morrow. The passage of the chupatties attracted little attention, and every sign seems to have been neglected. It is said that no one had any reason to expect a mutiny. The various generals who had given evidence before the Parliamentary Committees, with the exception of Lord Melville, had spoken highly of the Bengal army. Even Sir Charles Napier had not taken that opportunity of repeating the warnings he had so often before given respecting the condition of that army and the insecurity of our position in India. Lord Dalhousie had declared, on relinquishing his government, that, looking around the whole political horizon, he saw no cause to apprehend danger from any quarter; he left the empire at peace within and without. No one, it is said, was aware of what was coming upon us; we are all "prophets after the fact;" no one had any idea of the real extent of our danger. It may be very true that no one had stood forward to prophecy the exact hour, or place, or form, in which insurrection would appear. In that sense Voltaire's sneer is well founded. *Prediction* in politics is mere charlatanism or folly; all that the most far-seeing can accomplish is to point out the *tendency* of certain measures, and to warn that if they are persevered in certain results are, sooner or later, inevitable. Sixty years ago the Abbé Raynal foresaw what was coming. More than thirty years ago Lord Brougham pointed out the necessary consequences of our Indian policy. The late Sir Robert Peel was not less clear-sighted. From that day to the date of outbreak, Indian statesmen, one after another, had cautioned us concerning the elements of peril which environed us. (I have collected their words in my former work.) The annexation of Oude was causing unmistakeable rumblings, the forerunners of approaching earthquake. Conflagrations in cantonments, the Persian proclamations in Delhi, the letter from Oude, the positive information conveyed to Mr. Colvin, the very well-known fact, according to

* The King of Persia himself confirms this. "I fomented rebellion," says he "so long as the English were at war with me, but desisted as soon as there was peace between us."

Sir Theophilus Metcalfe, that an attempt was about to be made to overthrow the British Raj, the threats used by the Oudians of rising in the hot weather, were all direct indications which should have put a wise Government on its guard while it was yet time. Mr. Gleig, several years back, had shown the condition of the Indian Army. Dr. Buist, just returned from England, asserts that if the archives of the directors be searched there will be found "a cart-load of warnings."

Independent of actual warnings which the Supreme Government and its officers received, it cannot be doubted that when the first signs of the coming storm actually appeared, they were altogether misread. The extent of the danger was altogether under-rated, and those steps which might, perhaps, have prevented, for the present, such a struggle as we are engaged in, and must, at any rate, have saved many valuable lives and vast property, were not taken till it was too late, and the sack of treasuries, the wholesale murders of Europeans, the conflagration of cantonments, the seizure of Delhi, the open defection of our native servants, the insurrection of rajahs and nobles, the rising of the villagers, rendered it impossible any longer to deny the existence of a most formidable crisis, to ignore its proportions, or put off any practicable preparation for meeting it. The facts lie in a small compass. They are familiar to the public. It is easy to form a judgment upon them. The whole history of the revolt may be studied elsewhere. I shall do little more than bring together the dates, and leave them to speak for themselves.

On the 22nd of January, 1857, Captain Wright, of the 70th Bengal native infantry, informed Major Bontien, commanding the depôt of musketry at Dum Dum, of the unpleasant feeling among the sepoys in respect to the cartridges.

On the following day Major Bontien forwarded this report to the station staff-adjutant.

General Hearsay, without a moment's delay, communicated the information, of the alarming nature of which he, at any rate, was fully aware, to the deputy adjutant-general.

Three days were consumed in official communication between the latter officer and the military secretary of Government.

On the 27th, the military secretary replied, that Government

approved General Hearsay's suggestions, and desired they might be carried out. On the night of the 24th, the telegraph-office was burnt down; a most significant fact; after that, incendiarism was of almost nightly occurrence, but the matters were never traced.

On the 28th, General Hearsay again addressed the Government. He stated, that the idea of forcible conversion was so rooted in the minds of the sepoys, "that it would be both idle and unwise even to attempt its removal."

On the 11th February, General Hearsay again wrote, that they had been dwelling at Barrackpore "on a mine ready for explosion." Other signs were not wanting. On the 10th of February, a native officer gave information of a midnight meeting of the men, whose faces were concealed in their cloths, who asked him to join them in a rising that night. On the 12th, General Hearsay wrote that a native doctor had heard a sepoy of the 2nd grenadiers tell another that a native messenger had been sent by his regiment to Dinapore and to the 19th at Berhampore, to ask if they would join in a mutiny. The Supreme Government sent the Oriental to Rangoon to bring up the 84th; they arrived on the 19th of February, and were stationed at Chinsurah. There was only one wing of a European regiment in Calcutta; yet so vacillating was the Government, so little did it understand or appreciate the peril, that the Oriental, thought to be in the Madras roads, was telegraphed for to convey the 84th back to Burmah, and but for the fortunate accident which had already despatched her to Rangoon, back the 84th would have gone!

On the night of the 26th February, the 19th regiment rose at Berhampore, broke open the bells of arms, seized their muskets, and assembled on parade. On the same day, a detachment of the 63rd Bengal native infantry, part of the Santhal field-force, refused to accept their furloughs, because the Barrackpore regiments would not accept theirs. This mutiny took place at Sownee. General Hearsay recommended their dismissal. The Governor-General, nevertheless, pardoned them, as he thought it would "be sound policy to pass over the offence." It was determined to make an example of the 19th. They were ordered down to Barrackpore. Time pressed with the conspirators. On

the 29th March, Mungul Pandy, of the 34th, fired at Lieutenant Baugh, the adjutant, at Barrackpore; the regiment remained passive spectators. General Hearsay personally put down the mutiny. On the following evening, the 19th arrived. On the 31st of March, they were disbanded. A letter, calling upon the men at the musketry depôt at Sealkote to imitate their brethren at Barrackpore, was discovered.

On the 8th of April, Mungul Pandy was executed; on the 21st of April, the jemadar of the guard, who refused to succour the adjutant, Lieut. Baugh, was executed. It took Government five weeks to decide what course it should take with respect to the mutinous 34th regiment. It was not till the 6th of May that they were disbanded; and at that time this was no punishment; it was a facilitation of the mutineers' designs. It enabled them to march to Delhi or to Lucknow. It freed them from all necessity of throwing off their allegiance. It covered the country with men who spread everywhere disaffection as they went along, by representing themselves as martyrs for their religion. So little downhearted were they, that those who had been allowed to retain their kilmarnocks, actually trampled them under foot before crossing the river! Almost the entire regiment was found against us at Bithoor on the 16th of August. Up to this point it is clear that the Calcutta Government were entirely at sea as to the true nature of the crisis, and thought that the disturbances were but the result of a passing discontent, which might be dissipated by a little solemn talking, and, on the whole, leniency; for on the 8th of April, the Court of Directors in England, in *reply* to the Supreme Government's despatch of the 28th of January, express their satisfaction at the intelligence conveyed in that letter, that the "sepoys appeared perfectly satisfied that there existed no intention of interfering with their caste." With the exception of sending for the 84th from Burmah (and twice ordering them back), the Government had, *up to the 6th of May*, sent for no troops to the Colonies; made no urgent representation to the Home Government of the instant necessity of sending out the largest possible number of troops. In point of fact, the Government *could* make no such representation, for they were themselves in the profoundest sleep, and had not the faintest conception of the real danger which was threatening the Empire.

Lord Canning may be pardoned for this. He was new to the country; his official career in England had been confined to the Post-office; he had been assured by the experienced Lord Dalhousie that there was no reason to apprehend danger; he must necessarily have been entirely in the hands of his Indian advisers. He had come out as a fair-weather governor, whose course, it was fondly believed, would be all plain easy sailing. He would probably never have accepted the appointment had he, in the remotest degree, foreseen a tithe of the troubles through which he would be called to steer; certainly the offer would never have been made him. His commander-in-chief had little more Indian experience than himself. The Governor-General's was not one of those eagle glances, those master-minds which discern, as it were intuitively, all the bearings of an event at the instant of its occurrence. He was the son, it is true, of a great father; but Phæton, the son of Phœbus, could not drive the chariot of the sun! Lord Canning is fairly entitled to our pity. His Indian advisers, civil and military, who were too ignorant, or too stupid, or too vain-glorious, to read aright the writing on the wall, must bear the withering responsibility of the weak and vacillating policy of the Calcutta Council.*

* The fault of the graphic Red Pamphlets is, that they give the idea of a regular settled and debated policy among the civilian heads of the Calcutta Government,—men well aware of the danger, its character, its magnitude, and the true means of subduing it, to risk the Empire itself, provided they could maintain the character and interests of their own exclusive order. But it is impossible to believe this. Hanging would be too good for them, if it were true. They drifted into their errors. Their habits of thought, their prejudices, their predilections, their incredulity, rendered them the easy victims of the most gross delusion. They could not be brought,—they could not bring themselves to believe, that so "paternal a despotism" as that of the East India Company could have created disobedient or disaffected children; this was a military mutiny in the outset; as each regiment broke out, it was still only a partial, though larger defection of the Bengal army. There was a most unfounded ridiculous idea afloat among the sepoys, sufficient indeed to account for their conduct, but which must surely be dissipated by the assurances of the Government. They could not believe that there existed sufficient cause for any conspiracy among the princes and nobility; "annexation" was the cry of a few editors and other ill-informed disaffected persons of no account. The people were happy, flourishing, and contented; and so they hoped against hope; gaping for what the morrow should bring, without taking any precaution against its perils.

"As the fool thinketh
So the bell chinketh."

The tocsin of rebellion sounded to their ears but as the contemptible squeak of the

During the month of April, Benares was alarmed by flying rumours of intended risings among the sepoys. At many of the stations in the North-West incendiarism was at work. Fires broke out at Delhi, Jullundur, Meerut, Umballah, and Dinapore. The public journals were filled with exhortations and warnings, to which the authorities turned a deaf ear. The disaffection was evidently spreading far and fast. A jemadar of the 70th was sentenced by a court-martial of native officers, his co-conspirators, to dismissal for inciting his men to revolt. He owed 4000 rupees, from which his sentence released him. In the words of the author of the "Red Pamphlet," the effect upon the sepoys was disastrous. "This," they said, "the only punishment for mutiny! They are afraid of us; we can do what we like!"

May was ushered in by the first scenes of the tremendous drama of rebellion which is not yet played out; on the 2nd, the 7th Oude infantry mutinied near Lucknow; on the 3rd, a letter was intercepted from the 7th to the 48th N. I. in the Lucknow cantonment. "We are ready," it ran, "to obey the orders of our brothers of the 48th in the matter of the cartridges, and to resist, either *actively* or passively." Sir Henry Lawrence acted with the promptitude of his character. On the 9th came the tragedy at Meerut; on the 11th Delhi was seized; on the 11th and 12th, Mr. Colvin telegraphed the news to Calcutta; on the 14th and 15th, he put the Governor-General in full possession of all that had occurred; on May 16th, there was an outbreak at Ferozepore; on the 16th, the Governor-General authorized commanding officers to appoint courts-martial; on the 17th, the Lieutenant-Governor of Agra proclaimed martial law in the North-West Provinces; on the 16th, too, the sappers mutinied at Meerut.

Was the Government now awake to the magnitude of the crisis? On the 16th, Lord Canning sent to Moulmein and Madras for troops, and shortly after to Ceylon and Singapore; but the

penny trumpet of a partial mutiny. They leant upon a theory which flattered their self-esteem, till it was too late, and unfortunately they were presided over by a man of merely moderate parts,—new to the country, and of such weakness of character as to be incapable of putting them at once aside, and striking out an independent line of action equal to the emergency. Thus it was that "too late" was the characteristic of each and every of the half-measures taken by the Government from time to time.

credit of this movement is due to Sir Henry Lawrence, who telegraphed this advice to Calcutta on the 16th; on the 17th, Lord Elphinstone offered to despatch a swift steamer from Bombay, in hope of overtaking the mail which had left by the 13th; the Governor-General declined this offer; *he was not, he said, desirous of sending to England by an earlier opportunity than the Calcutta mail of the 18th May.* On the 19th he wrote perhaps the most astounding despatch on record, when the emergency of the circumstances under which it was written is remembered. Instead of a short sharp notification that India was in flames, and an imperative call upon the Home Government to send out, *viâ* Egypt, every available man, the Governor-General sat down, with the coolness of Nero fiddling while Rome was burning, to discuss with the Court of Directors the expediency of adding three European regiments to the strength of the Bengal army! And he points out that this would be actually cheaper than replacing the six native regiments which had mutinied, as if this was a moment to haggle about pence! The simple fact, which cannot be gainsaid, is this: every statesman, from the date of our supremacy in India down to the present day, has known and admitted that our greatest danger lay in the defection of our native army. Here were the most unmistakeable symptoms, which he who ran might read. Were they read? Were they grappled with? Let three months of tampering with danger reply.

What was the character of Lord Canning's despatches and private letters to the Board of Control may be best judged of by Mr. Vernon Smith's assuring the anxious Parliament that Delhi would be easily and speedily surrounded, and that he regretted the mail had not been delayed a couple of days longer at Calcutta, in order that he might have had the pleasure of being able to announce the termination of the mutiny. Meanwhile every conceivable step was taken by the Government in India to extenuate the character and dimensions of the revolt. The Government bulletins reiterated the assurance that the natives were "with us to a man," till the villagers, having cut the telegraph wires, took the surest means of refuting that calumny. Nay, the Government would not even admit that the *whole* of the army was mutinously affected. Was there not the Bombay

army—the Madras army? and the whole of the Bengal army had not yet declared for rebellion; it was impolitic and unwise, therefore, to impute to the many the faults of the comparatively few. Troops, it is true, were sent for from Madras, the Mauritius, and elsewhere, just as a man sends for the engine if his kitchen-flue smoke more than ordinarily, though he has no belief that his whole house is on fire. Lord Canning has received great praise at the hands of his noble panegyrists for his conduct of the rebellion. Among his other acts, this sending for troops has been paraded, but with as much propriety as we should praise a man for sending a message for the police when his house was surrounded by an infuriated mob, bent upon taking his life and destroying his property. The Governor-General still steadily refused to avail himself of all the means of assistance offered him. It was not till the 12th of June that the citizens of Calcutta were permitted to volunteer. On the 20th of May, the Calcutta Trades' Association offered the services of the Calcutta citizens to Government. Lord Canning declined the offer, and took occasion to rebuke them for their assumption of universal disaffection among the sepoy ranks. He wrote as follows:—

"The Governor-General in Council is sorry to see that, in the letter of the secretary of the Association, it is assumed that disaffection has been evinced by the sepoy regiments throughout India. His lordship in Council would greatly regret that such an impression should go abroad. Not only is it certain to lead to exaggerated fears among the civil population of the country at large, but, without speaking of the armies of Madras and Bombay, it is not just as regards the army of Bengal. There are in the army of this Presidency many soldiers and many regiments who have stood firm against evil example and wicked counsels, and who at the moment are giving unquestionable proof of their attachment to the Government, and of their abhorrence of the atrocious crimes which have lately been perpetrated in the North-West Provinces."

On the 25th, Lord Canning assured the British Indian Association that he "confidently expected that in a few days the mutiny would be entirely suspended." On the 23rd of May, the French inhabitants tendered their services. On the 25th, Lord

Canning, in declining their offer, stated that "the mischief caused by a *passing and groundless panic has already subsided!!!*" The offer of Jung Bahadoor to take the field with his Ghoorkas was declined. Into the further progress of the rebellion it is unnecessary for me to enter; nor need I shew what tardy, half-and-half measures were taken for the suppression of the mutinies, and the succour of our countrymen in the various cities in the North-West and elsewhere. The facts which I have brought together afford sufficient materials for determining the question, whether the Indian Government was aware of the nature of the crisis, and whether they met it with becoming energy. Assuming that there were no *previous* symptoms of the impending crisis, we find that between the 22nd of January—the date of the first overt act—up to the 16th of May (three whole months, every day of which was worth a subsidy), when Lord Canning sent to the Mauritius and elsewhere, not an application had been made anywhere for troops, with the exception of the order to Burmah to send up the 84th regiment, twice ordered back again,—such was the blindness and the confidence of the Calcutta Government! Up to the 11th of May, when Delhi was seized, not a European had been thrown into that city, with its arsenal, the centre of Mussulman conspiracy, and the rallying point of the prestige in favour of the Great Mogul. On the 31st of May, Lord Canning wrote to General Anson that "his force of artillery would enable him to dispose of Delhi with certainty;" and he begged the commander-in-chief "to detach European infantry and cavalry to the south of Delhi." But then, on the 20th of May, Mr. Colvin, the lieutenant-governor, had telegraphed to Lord Canning that "a very few days would see the end of this daring mutiny." Up to the 4th of June, when the mail arrived at Benares, and mutiny broke out in that chief centre of Brahminism, the only European force was thirty artillerymen. On the 6th of June, Allahabad had to meet its rebels with sixty-five European invalids, who had been pushed up for its support. This key of all Upper India had been positively denuded of the European troops who used formerly to garrison it. Cawnpore, only fifty miles from Lucknow, had never been strengthened. During the year 1856, a wing of the 1st Bengal Fusiliers was sent away from it to Umballah;

sixty-one Europeans only were left; and even on the 5th of June, Lord Canning wrote to the Directors, "*It is our confident belief that by the next mail* we shall have it in our power to report to your Honorable Court that signal retribution has been inflicted on the mutineers and rebels at Delhi, and that the immediate result has been the perceptible tendency in all the districts to return at no distant period to quiet and order." What torrents of blood might have been saved had other counsels prevailed; had we had an Ellenborough, or even Lord Dalhousie, and a Napier to grapple with events, it boots not now to consider. Whatever *might* have been, we have to deal with what *is*. The important question which we must now ask ourselves is, whether men who so trifled with the rebellion at its commencement are fit instruments to be trusted with the regeneration of India when order is restored? A dispassionate judgment must pronounce that they are not. Lord Canning himself has shewn no spark of prescience or genius. He has acted just as might be expected from a man of the most ordinary capacity. The highest praise we can award him is—what used by Lord Eldon to his father was a sneer—that he is "a respectable gentleman." But it is not to such that the destinies of India are to be trusted. As for the Civilian Government, whose eyes were shut to what was coming, and who refused to see it when it came, the blood of the murdered cries out against them; on their heads be the sin.

I am an admirer of the soundness of Lord Canning's equality *principle*, but not of the extent or the manner in which it has been carried out. As to how far the Governor-General has deserved well of his country, at this distance it is difficult for me to form an opinion on which I can rely with satisfaction to myself. Reports are so various, some attributing to him the most perfect calmness and self-possession; others positively declaring that a European guard was secretly introduced into the Government House every night; some saying that he is led entirely by his council, and even by one of the secretaries; others that he has acted independently of his council; some declaring that he is the most unpopular man in Calcutta among all classes; others maintaining that it is only a small section of society that looks coldly upon him, that we at Madras really

scarcely knew what to think or to believe. Lord Canning, if he has played a noble part, has himself to thank for the inability of impartial people to appreciate him: for the secrecy of his government, and the impossibility of arriving at the truth through the press in its present condition, are his own doing; he is the sufferer in common with others. But there are some few undeniable facts which have a very awkward appearance. The truth of his unpopularity with a large, influential, wealthy portion of the European population, if not with the entire independent society, is undeniable. A reference to the signatures of the Calcutta petition proves that. The fact that at such a moment a petition could be signed by 2000 people for his lordship's recall proves that. He has unmistakeably alienated the sympathies of a highly respectable body of Englishmen, however his lordship and the Bengalee baboos may designate it factious, and London journals dub the Europeans in Calcutta malcontents or malignants!

The successful extinction of the rebellion may enable ministers and partial friends of his own order to impute the event to the Governor-General's ability, and honours may be showered upon him; but nothing will obliterate the fact that his lordship accomplished a task of even greater difficulty than that of putting down a rebellion. Displaying, as it appears to me, a considerable degree of that personal indifference to danger which excites every Englishman's admiration, remaining calmly in the capital, transacting both the ordinary and extraordinary business of government, and I should imagine likely to be popular from his manners and affability, the unparalleled circumstances in which he was placed appealing to our national generosity and forbearance, Lord Canning's acts must have given deep cause of offence before any man with a spark of honest feeling would lift his voice against him, or refuse to give him all possible sympathy and support: but I believe that his lordship, in his determination to carry out the perfect equality principle at all hazard and in every shape, has overlooked the insult which he offered to Englishmen by the offensive manner in which his measures were obtruded upon them. When men who were willing to lay down their own lives, who were smarting under the deepest injuries that the rebels could inflict upon them vicariously through the

persons of their relatives, friends, and countrymen, saw themselves classed in the same category with the apathetic disaffected Bengalee, who would not lift his little finger in the cause of order, then the blood boiled, and indignation naturally burst forth. Thus they could see no justification of the suppression of the liberty of the English press, simply because Lord Canning could make no distinction between the English press which he exonerated, indeed praised for its good feeling, and the native vernacular press, which had not only, it was said, been hatching treason, but the fettering of which had been loudly called for months before by the English press. Thus again, when the compensation order made its appearance, men read with astonishment the provisions whereby Europeans were called upon to prove that *they* had taken no part in the rebellion. Thus when the Arms Act was passed, they said, surely we, whose loyalty is unquestionable, ought not be called upon to register our arms in common with the suspected native: and so strong was the feeling, that the Calcutta Government has not deemed it advisable to enforce the operation of the Act against Europeans in Calcutta, though Lord Harris has extended the Act to Madras, where the public peace has not been disturbed. Now, it appears to me, that all these matters which I have specified are precisely those where a line might and ought to be drawn. They are immediately connected with the rebellion, wherein there is the widest possible distinction between the positions of the European and the native. It is there that the *main-de-fer* should be most imposingly exhibited; there that the *gant de soie* is out of place.

It was not, however, resentment alone for what they felt to be an unmerited slight that caused the animosity of the European inhabitants of Calcutta. A perusal of the petition for the Governor-General's recall will show that they dwell principally on the imbecility and vacillation which despised warnings, refused to recognize the true character of the peril, took no measures for meeting it till it was too late. Had vigour been shown in repressing the rebellion at the outset, had common prudence been exercised in providing against its probable spread as soon as the first overt act had been committed, it is possible that Lord Canning might have promulgated whatever measures he pleased without cavil.

That all necessary means for meeting events in India were not taken by the Home Government it is impossible to deny. Not a man was sent out across Egypt, though there were abundant troops in the Mediterranean; and the way in which that route was taken advantage of at a later period surely argues the feasibility of using it at the outset. There appears to have prevailed the usual red-tapeism and circumlocution. The Chairman of the Court of Directors urged the President of the Board of Control to send troops overland. The President stated that there were political objections; though there were none to the transit of our two cavalry regiments from India to the Crimea. Sir Charles Wood had "no ships to give." The India House found the ships; the Horse Guards shipped the men. The first vessel, the Caledonian, sailed on the 26th of July; the first regiment might have been landed in India, *viâ* Egypt, by that date, had Lord Elphinstone's offer to overtake the mail of the 11th May been accepted by Lord Canning. The effect would have been incalculable. The point of that part of Nana Sahib's proclamation, which touched on the destruction of the British ships by the Pacha and Sultan, was its bearing on the minds of the sepoys, who knew that troops had two years before passed to Europe through Egypt, and might naturally argue that the converse would happen now; and we hear that the surprise of the sepoys and the rebels, who fancied we were nearly extinguished, at the numerous arrivals of fresh troops during the last few months has been prodigious. Had Lord Ellenborough been in power it is certain that the question would have been treated in a totally different manner. Instead of raising objections, difficulties would have been *made* to vanish, and all available troops would have been pushed through Egypt without a moment's delay. But sailing vessels round the Cape were deemed a sufficiently speedy mode of transport; and the Ministers in both Houses displayed the most consummate ignorance of the immensity of the peril; they were scarcely to blame. They were themselves deceived by the nature of the representations which they received officially from India. They were surely not to alarm the people by exaggerations, or preparations on a scale utterly out of proportion to the supposed necessity. They had no more personal acquaintance with India than Lord Canning himself; they might pardonably distrust the warning of

Lord Ellenborough, their political antagonist and the bitter enemy of the Court of Directors who had so scurvily treated him. To me it appears, that though unquestionably all practicable steps for suppressing the rebellion were not taken by the Ministry, they are not to blame; they could scarcely have acted otherwise than they did, with the information before them; though it is also unquestionably true, that some few in England, at any rate, saw clearly the full import of the crisis the moment the intelligence reached London. Lord Ellenborough, in one of the most remarkable speeches I ever read, pointed out the whole future course of the mutinies, the time necessary for our relief, the probable date of its suppression, with an accuracy which the subsequent march of events makes appear like intuition. General Tucker sounded the note of alarm, and more than one old officer scented the full danger of the mutinies afar off even in their earliest stage. The comparatively insignificant mutiny at Vellore, a single station, the many warnings of the most experienced men of India flashed across their minds, and filled them with terrible forebodings; and it cannot be denied, that if the apprehension of such men ought to have hurried the Ministry into more speedy action and more extensive preparations, than official intelligence from India seemed to require, those apprehensions were expressed in a way which neither the Ministry nor the outside world could, by any possibility, mistake.

The last of these miscellaneous topics which I wish to handle is the question who is to pay for the rebellion? Here, too, there has been great diversity of opinion. The amount has not been ascertained; it can scarcely be approximately guessed at. It has gradually mounted from three millions to ten; and of course every day adds vastly to the cost. The bent of public inclination in England, as, indeed, is only natural, has been to cast this burthen upon India. England would fain escape the loan which she sees looming in the distance; and if India only could be made to pay, there can be little doubt but that she would be made. Numerous suggestions with this view have been made. Tax the countries where rebellion has broken out, say some; tax the merchants,—tax the English in India, levy a poll or property tax, tax anybody, everybody, say others. Replenish the Exchequer by the redemption of the land-tax, says my namesake,

the late advocate-general of Madras. *Why not sell Bengal?* writes the "Friend of India" in italics; mulct the holders of India Stock, the fault is theirs, somehow or other, and at all events make the people of India pay. As to those who have rebelled, it is a just punishment; as to those who have not, it is only fair that they should pay for their protection. Some of these proposals are simply impossibilities; some are, at least, as impolitic as the others are impossible.

To take from the Proprietors of the Company's Stock would be sheer confiscation. They have, too, at most, twelve millions guaranteed to them. To introduce a poll or property tax would be impracticable. It has been frequently said, that it is impossible to introduce a new tax in India; next to open proselytism, I fancy it would be the most dangerous experiment we could try. No doubt we shall make large savings when the stoppages of pensions to traitors are reckoned up; when the value of confiscated estates and territories is brought to account; when the revenue of the escheated lands comes into our Exchequer; but our need is instant, and money must be forthcoming, and that without delay; another dry season threatens Madras with a loss of thirty lakhs of rupees on the estimated revenue; no aid can come from Madras. The Court of Directors has pledged its credit pretty well to the full; it has expended its three millions of railway deposits; it is said to have borrowed largely from the Bank of England and other quarters; and the "loans" which closed Lord Dalhousie's reign have so shaken public credit in India, that little aid is to be looked for from the Indian capitalist. Five per cent. paper is still selling at 8 per cent. discount in Calcutta, and 4 per cent. at 18. There is one scheme lately broached, that of the redemption of the land-tax, which is pretty sure to be favorably received in certain quarters in England, because it seems to afford a chance of relieving her of the burden. I shall find a more convenient place for considering this proposal at large; suffice it here to say, that I believe it is most suicidal.

The following are some observations which I have written in another place on this topic some months before the appearance of my namesake's pamphlet, and which about contain the gist of the matter.

Among other quack nostra and specifics for the assumed incurable ryotwarry disease, we have heard the redemption of the land-tax broached more than once both in this country and at home; and that, too, by very able and sincere men. To our thinking, such a policy is simply suicidal; it is the old fable of killing the goose for the sake of the golden eggs, and furnished forth to boot with the same moral. It is, in the first place, somewhat surprising to find it suggested that a theory of taxation, now pretty well admitted to be erroneous in England, may be applicable to India. A funding system and indirect taxation are, of course, the natural expedients of a needy minister, anxious only to provide for the evil of the day, and to tide his party over to the difficulty of to-morrow. But it is now pretty well understood that the fatal facility of raising money by such means is the worst evil of the system; that it is better that people should know precisely where, and how, and why, the shoe pinches them, and thus when they have to raise the State supplies by an increase of taxation falling upon themselves, they will be more economical and cautious in their expenditure; especially is this the case where taxation is direct, so that they can see at a glance in what direction it falls upon them. Pitt's scheme of the year 1798 for the redemption of the land-tax is now regarded by the majority of political economists as an error, and it is frequently regretted that the necessities of the day have cut the State off from so prolific, so equitable, and so commodious a source of taxation. We would not treat any Government, especially an Indian Government, with its botching financiers, its wasteful expenditure, and its expensive, yet inefficient agency, with the command of such a sum of money as the redemption of the land-tax, if successful, would pour into its coffers. The temptation to rush into gigantic schemes of improvement would be irresistible; and independent of the fact, that private enterprise can work cheaper than a Government in carrying out undertakings of this character, the inefficiency of any agency which the Indian Government can possibly have at its command, would necessitate the profusest waste. In short, there would be apparently an inexhaustible heap of money, in which almost every one would deem himself to have a vested right to peculate and plunder. The fabulous pagoda tree of our predecessors would seem to have put forth

a sort of St. Martin's summer and after-crop of foliage and fruit, as if expressly to invite the efforts of the most vigorous shaker.

The revenue derived from land may be stated at sixteen millions sterling. The value of land in the favoured North-West is only six years' purchase; but supposing it would be just to fix arbitrarily, say, twenty years' purchase as the standard of redemption, the measure, in round numbers, would place about 320 millions sterling in the treasury of the Company. What could be done with such a sum? To suppose that it could be permitted to lie idle and unproductive in the Government coffers, enough being annually taken therefrom for the maintenance of our administration, is simply ridiculous. Supposing that the possession of immense wealth did not act as a direct stimulus to the outfit of aggressive armaments against our neighbours,—the Chinese, those "*reluctantes Dracones*,"—and others whom we compel to fight us, it is quite certain that our hoard would be unmanageable. Could it possibly be funded? and how or where, and with whom? And the interest of the capital, even if the operation of funding were practicable, would not nearly furnish us with a sum equivalent to our present ordinary expenditure; so that it is certain we must resort to additional taxation to supply our immediate wants. It may be said that we should thus at once be put in funds for executing, on a systematic plan, all those physical improvements which Colonel Arthur Cotton and his followers have shown to be so indispensable for the country. But independent of the waste which would occur, what is to become of the balance? Here is literally that *embarras des richesses* which puzzles and bewilders the possessor. Wealth is oft times a harder trial to bear than poverty; and we would far rather see our Government struggling for a season with difficulties, and emerging superior to them into an honorable independence by those acts of economy and increased exertion, of frugality and industry, which give the victory to the stedfast man struggling with the world, than expose it to the temptations which must inevitably follow close upon this insane wish to discount futurity. In the words of the philosopher Hume, upon an analogous subject, "It would scarcely be more imprudent to give a prodigal son a credit in every banking shop in London than to empower a statesman to draw bills in this manner upon posterity."

There is, however, one source of taxation, long since pointed out, of which we may avail ourselves both justly and wisely. I speak of a nuzzerana, or tax upon successions, which we seem, by some strange oversight, to have abandoned our right to, though it was unquestionably paid to the State in the days of our predecessors. Though it is impolitic to resume the enams as we are now doing—and the Enam Commissions should at once be put an end to—it is nevertheless a monstrous evil to the country at large that so vast an extent of land should be held without rendering any thing towards the revenue; especially as there is no doubt but that very many of these enams are encroachments, and originated in the encroachments of our native servants, though time has given their title. These enamdars may be made to contribute towards the necessities of the State. The proposition is Malcolm's; Lord Metcalfe thus enforces it:—

"It has not been the practice of our Government to grant alienations of revenue in perpetuity. Where they exist under our rule, they are continuations which we have allowed of grants received from a former Government, and either correctly or erroneously supposed to have conferred a perpetual or hereditary tenure. For my own part, I cannot conceive a more legitimate subject for taxation than the possession of a perpetual alienation of public revenue held under the grant of a preceding Government. It is necessary, for the apprehension of my meaning, to consider under what circumstances such a grant was made, and under what circumstances it has been continued. It was not originally a gratuitous grant. Personal service was to be rendered. Troops were to be furnished according to the extent of the assignment. The native Government was supported, not weakened, by the arrangement; and, in addition, a nuzzerana or fine was payable on succession, and on other occasions. What follows? We come and conquer the country. The holder of the tenure has done his duty; has been our enemy, and fought against us. All alienations of revenue property lapse to the conqueror. We have a right to consider this assignment as having lapsed; instead of which we confirm its continuance. This is very generous, no doubt; but it is a gratuitous waste of revenue, and one of the causes why British India is likely to

sink under the pressure of expenditure exceeding income. The sacrifice of revenue was not without a return to the native state. Perhaps the original grant conferred a reward for past devotion, by which the State had benefited. Anyhow, it was recompensed by service, by attachment, by faithful support. It also took its occasional nuzzerana. With us the alienation of revenue is a perfect sacrifice. We either neglect the condition of service altogether, or it is to us useless and insignificant. Nuzzerana is not required, because it is not included in our regular system. We receive no return, and the loss of revenue deprives us of the means of paying those who would fight our battles and maintain our empire. I am, therefore, of opinion that there is no other class of our subjects so peculiarly fit for taxation as the holders of alienations of state revenue. I do not think it necessary to examine minutely the different descriptions of persons who hold the hereditary alienations which we have confirmed. Of all, it may be truly said that they are drones, who do no good in the public hive. I do not profess that I would have recommended resumption in every case. But we had a clear right to resume all alienations of revenue; and having, instead, continued them, it appears to me that we may very justly call on the holders to fulfil towards us a part of the obligations which the existence of the assignments enjoyed by them implies, and which they would have had to observe towards any native government. The payment of nuzzerana would undoubtedly have been one of their obligations; and, although the measure is new with us, it is not liable to the charge of innovation with them, for it is one which is in general use under all native governments, and especially on succession to possessions of any kind. It would, therefore, be the least unpalatable mode of imposing a tax, and would be scarcely felt as a grievance on the occasions on which it would be levied. Sir John Malcolm, indeed, is of opinion that the imposition would be received as a benefit, and confer confidence and security. Even that, I conceive, is possible; for the very gratuitous indulgence which we have conferred on the holders of hereditary assignments of public revenue, so different from what they were before accustomed to, may not unnaturally have excited an alarm that such a boon cannot be lasting, which the imposition of nuzzerana on hereditary succession might tend to

allay, as indicating the intention of taking some recompense for the boon, instead of ultimately resuming it altogether.

"I am, for the reasons above stated, entirely disposed to concur in Sir John Malcolm's proposition for levying nuzzerana on succession to all hereditary assignments of public revenue; and shall be glad if the Governor-General and the Council deem it expedient to authorize the Government of Bombay to carry the measure into effect, as far as concerns the holders of perpetual assignments in the territories of that Presidency."

But I see no other way in which taxes may be imposed at present. It is fancied that the natives have vast hoards of hidden wealth, and that they may be forced to disgorge it. But it is the old story of the traveller and the sun and the wind. We may induce native capital to uncloak itself by those gentle and wise suasions which inspire confidence, not by blustering and brute force.

CHAPTER IV.

Topic 7th.

What is required for the military protection of India?

Another Topic which I can scarcely do more than glance at, notwithstanding its vast importance, is the question, what is to be the future condition of the Indian army? Professional men will, no doubt, fully express their opinions upon this subject, and I do not profess to write with anything more than a plain sense understanding of the subject. What I have to say is merely that which would occur to any unprofessional observer of men and things that surround him in every-day life, and who is so situated as to be able to gather from many able and qualified military men the practical professional knowledge of the strange acts and proceedings which we have, of late, seen; but as it would take a volume to discuss the entire military question involved in this topic, even were I as capable of the task as I feel myself to be incapable, my remarks must be few and brief. I cannot pretend to take a connected view of the whole subject: I seek only to offer a few desultory remarks upon some of the more obviously salient points of discussion.

Whether the Indian army is to be incorporated with the Royal army in the several branches, and to have the purchase system, with all the anomalies of exchange and transfer, introduced, or whether the military forces of India shall be kept as a distinct army composed of all arms, and of Europeans and natives with a special organization as at present adapted to the country, and the services for which required: Whether the Indian military forces shall be brought under the direct control of the Horse Guards and be dependent on the authorities of that *bureau* for all military honours, and have their military claims decided upon by officers selected for special duties without any knowledge of India or any connection with the Indian army:

Whether the military forces in India shall be considered as a separate force, belonging to Great Britain, but employed in India, and subject to a separate military control independent of the Horse Guards, and interested in its character, reputation, and efficiency, as a portion of the military forces of the empire: What shall be the future system of cantoning the military forces in India and of occupying military strongholds; in what manner military efficiency and discipline shall be strictly maintained, and the system of inspection and supervision exercised so as to enable Government to ascertain that the military forces are in a state of preparedness: Whether the Indian forces are to continue to be divided into three armies allotted to the three great territorial divisions of India as settled in the last century, or be consolidated into one army as a whole; or have such a partial union as to ensure the unity of system essential to military efficiency, without the evils resulting from the dispersion of one immense mass scattered over a vast extent of country varying in climate, races, and requirements: Whether the Indian army shall be to any extent, and, if so, how far, relieved from the numerous police duties, civil guards, and detachments, which it has, hitherto, furnished, by the formation of an efficient constabulary force for all India, suited to the localities and duties to be performed: Whether the Indian military forces can be entirely composed of English soldiers consistent with military efficiency, the financial ability of the Government to support such a force, and with due regard to the system of government maintained in India by Great Britain: On what scale of relative strength, European and native, the military forces of India shall be maintained; what proportions the different arms shall bear to each other, and what shall be the classes of men, the nature of the organization and system, so as to provide for the various peculiarities, regimental and general, essential for the efficient performance of the many duties for which it devolves on Government to provide: On what system the staff required for the general duties of the Government of India, for civil, detached, political, and military employments, shall be organized: Whether the staff shall be constituted a separate corps distinct from the regimental officers, or if regiments shall continue to supply officers, as at present; and if the former, what arrangements shall be made for maintaining

the staff corps; if the latter, what precautions shall be taken to prevent regiments suffering from discipline by the withdrawal of too many officers, or of an undue proportion in certain ranks, or of experienced men: Under what regulations as to qualifications, such as acquaintance with native languages, general ability, service in India, professional knowledge, military rank, and length of service, officers of the Royal and Indian armies shall be selected for staff employment: What precautions shall be taken to prevent powerful parliamentary, aristocratic, or royal influence being used in England to advance officers on the staff of India, or to benefit the officers of the Royal army to the injury of the officers of the Indian army, being absent from England, and having little or no influence from birth or by political connections; in what manner and by whom is the patronage of first appointments to the commissioned ranks of the Indian army to be disposed of, and what guarantees and arrangements shall be made in England to ensure proper selections of cadets: Whether military advancement in the army of India shall be dependent on the purchase system, as obtaining in the Royal army, or as partially and peculiarly applied at present in the Indian army: Whether selection is to be the principle on which promotion depends, or the seniority system as now strictly in force in India: What measures shall be adopted in India to provide for that higher quality of military training for officers, so carefully attended to in continental armies, and lately commenced at home: What course shall be followed for weeding the service of incompetent officers, and for securing officers of an age, and with physical and mental powers suitable for military commands: These, and a host of other questions of more or less detail, will, doubtless, suggest themselves to the minds of professional men. Indeed, since I commenced this work, we have received from England the military despatch No. 235 of the Directors of the East India Company, dated 25th November, 1857, directing the Government of India to assemble a commission of select officers from the armies of the three Presidencies and from the Queen's army, with one or more civil officers, all of ability and experience, the officers of the Queen's service to have had experience in India, and the civilians to be specially qualified by their knowledge of native character and general

administrative experience, and on whose knowledge, experience, and judgment Government can rely, to assist them by investigation and practical counsel founded thereon, in forming wise conclusions on the proper organization of the army in India.

The Directors designate certain heads of enquiry, to aid the Government in framing instructions for the guidance of the commission, allowing a wide latitude to Government to specify any other heads of enquiry, empowering the commission to extend their enquiries and to offer their opinions on the several branches of the native army:—infantry, regular and irregular; cavalry, regular and irregular; artillery and sappers and miners,—and to make to the Governor General in Council any suggestions or recommendations which occur to them, although not on matters comprised in the specified heads of enquiry.

The heads of enquiry enumerated by me are those likely to be considered by military men, and may, if answered in full, supply all the information which could be elicited by the heads of enquiry of the Court of Directors; but as the questions suggested to the Government of India from England involve details on the military system of India more minute than I have ventured to suggest, I think it right to place them before my readers, in the hope that they may be found to contain suggestive hints for those on whom the Indian crisis has forced the necessity of probing our entire military system. These heads for enquiry are arranged not according to the order in the Court's despatch, but with reference to the importance of the subjects themselves.

1st. What proportion should the European bear to the native portion of the army in India generally, and at each Presidency separately? 2nd. Should the artillery, and sappers and miners, be composed, as heretofore, of Europeans and natives, or be entirely Europeans? 3rd. How can the demands for European officers for staff and detached employments be best provided for without injuring the efficiency of regiments? 4th. Should cadets be trained and drilled in European regiments before they are posted to native regiments, or what would be the best mode of drilling and training cadets before they are posted to native regiments? 5th. If separate corps are to be maintained for military and police purposes, what will be the best organization for each branch respectively? 6th. Should a company or com-

panies of Europeans form a component part of a native regiment? 7th. What alterations should be made in the recruiting regulations relating to tribes and castes, with a view to determine the future composition of the native army? 8th. Should corps be raised each in a particular district, and be recruited there and there only? 9th. Should corps be composed of troops and companies, each of which shall consist of separate tribes or castes; or should the tribes or castes be mixed up together in the whole regiment? 10th. Will it be expedient to enlist natives of other tropical climates, equally qualified for service in India, with the natives of the country, and, if so, should they be formed in separate regiments, or in companies, or otherwise? 11th. Whether the system of promotion, generally, by seniority to the grades of native commissioned officers (if these are retained), should not be altered and assimilated to the systems in force at Madras and Bombay? 12th. Whether, in native infantry regiments, the discontinuance of the grades of native commissioned officers, and the substitution of an European serjeant and corporal to each company, is advisable; and, if so, whether, in lieu of the prospect of distinction and emolument arising out of these grades, it would be advisable to establish graduated scales of good service pay and retiring pensions claimable after specified periods of service? 13th. Should the rules regulating enrolment in the native army be retained, or should they be assimilated to the rules which obtain in the British army; or ought there to be any and what changes in these rules, or in the system of punishment? 14th. Have the powers of commanding officers of native corps, and the power of officers in charge of companies, been diminished? What consequences have been the result? Is it desirable that those powers should be increased, or what other measures should be adopted for the improvement of discipline.

A second military despatch, No. 236, also dated the 25th November, 1857, from the Directors of the East India Company, points out to the Government of India that a review of the voluminous records, containing the details of late events, has entirely failed to satisfy the minds of the Directors in regard to the immediate causes of the mutiny, and that they have no doubt that the Government of India have not omitted to take advantage of all

the means and opportunities at their command for the purpose of investigating the causes of the extraordinary disaffection in the ranks of that army, which has unhappily given rise to so much bloodshed and misery.

The Court of Directors intimated their desire to the Government of India to lose no time in reporting to them their opinion on the subject, embracing the following heads, together with any other "which you may deem it necessary to add, in order to the full elucidation of the subject:"—

"1. The state of feeling of the sepoy towards the Government for some time preceding the outbreak.

"2. Any causes which of late years may be thought likely to have effected their loyalty and devotion to the service.

"3. Whether their loyalty had been effected by the instigations of emissaries of foreign powers or native states, or by any general measures of our administration affecting themselves or any other classes of our subjects.

"4. Whether the proposed use of the new cartridges was to any and what extent the cause of the outbreak.

"5. Whether the objects which the mutineers are supposed to have had in view were directed to the subversion of the British power in India, or to the attainment of pecuniary or other advantages.

"6. Whether the progress of the mutiny can be traced to general combination or concert, or was the result of separate impulses at the several stations of regiments; and if the former, how the combination was carried on without any knowledge or suspicion of it on the part of the regimental officers.

"7. If, however, you should not feel yourselves to be in possession of information sufficient to form a well-grounded opinion upon the causes and objects of the mutiny, we authorize you to appoint a special mixed commission for a preliminary investigation into the same, to be composed of officers selected from all branches in the services of India, in whose personal experience and soundness of judgment you have entire confidence. In that case you will lose no time in reporting to us your sentiments upon the conclusions arrived at by the commission."

But five months have passed since these two despatches were written, and four months since the instructions reached the Government of India! Already one member of the Council of India, who, from his long political employment in Central India, and in Oude, as well as in Council during the administration of Lord Dalhousie, was well qualified to afford explanations, has departed for England; another member of council is about to retire to England on the expiration of his five years' service in the Council of India, and yet not only has no report been made by the Government of India, but neither of these commissions of enquiry has assembled, nor have any measures been taken, as far as the public know, to elucidate the causes of this national outbreak. Whatever may be the result of the commissions of enquiry, there are some points which stand out prominent enough for immediate discussion.

The first is, from what source is the staple of the future Indian army to be drawn?

It is said that the Bengal army has itself answered the question of what was to be done with it by its own dispersion and dissolution, and that henceforth we can hold the country by Europeans, who, if they are more costly, need at any rate be less numerous. But it is certain we could not do without *some* native troops, however numerously we import the British soldier.* There are various duties which would wear out the European, that must still be performed by the native; and however we may mass our force in large bodies on the one hand, or provide for many duties which the native troops now discharge, by an organized police on the other, still we must have a mixed force of Europeans and natives. Whence are the men to come? We shall not get rid of our danger by substituting low caste for high caste soldiers. The high caste Bengalee, when he enters the Bombay or Madras services, throws aside his fastidiousness, because it is not the fashion to pet and pamper him as has been the practice in Bengal. We should not be less likely hereafter to come into collision with low than high caste sepoys, if a sufficiently exciting cause arose for the army to mutiny; nor are we

* It is stated by Qui Hi, that whenever a European regiment marched in Bengal, it was attended by companies of a native corps to take its guard duties.

safe by substituting Seikhs or Ghoorkas for Brahmins and Mussulmen. Indeed, I fear lest we should be training up a more formidable foeman for future contest with ourselves. The Seikh and the Ghoorka may both hate the Bengalee; but what guarantee have we for the continuance of their fidelity towards ourselves? They are a very different sort of enemy from the sepoy. Our own recollection will serve to teach us how the Seikh fought against us at Moodkee, Ferozeshah, and Chillianwallah. Fortunate were we that the treachery of Lal Singh* betrayed the Khalsa when the Seikh force burst across the Ganges. The Nepaulese war in Lord Hastings' time showed of what stuff the Ghoorkas are made; nor does their present character belie the fame of their ancestors; therefore those who think that Sir John Lawrence has solved half the question by his new Seikh levies of 35,000 men, appear to me to argue after a very shallow fashion, and in their elation at the momentary success of the measure, to overlook all its elements of future danger.†

We could not hope to hold India with less than 100,000 Englishmen, if we sought to dispense with the services of native troops altogether. Such a policy would, perhaps, be unwise, as it would necessarily isolate us still more from the body of the people; and I can scarcely conceive it possible that England could find 100,000 men available for Indian service exclusively, beyond her present military force, and keep up the complement. The drain would be large and constant; and if troubles in Europe forced England to put forth her strength on the continent, either troops must be withdrawn from India, or England would

* See Cunningham's History of the Seikhs.

† The Seikhs, though generally faithful throughout the whole of the rebellion, have not been universally so. At Allahabad they fired on their officers, though this was afterwards said to be a mistake. Elsewhere we hear of Seikhs being condemned by court-martial, and though fortunately for us the insurgents in Delhi inflamed the old hatred of the Seikh by mutilating such as they caught, a very uneasy feeling was said to have been created amongst our own Seikh levies by our firing on them at Allahabad; and there is quite enough before us to make us cautious how we place a blind confidence in this martial half-civilized race. An officer, returning on furlough from the scene of rebellion, reported that the Seikhs, affecting to despise the sepoy, had said jestingly, but somewhat ominously, to their officers, "Wait until it is your turn to meet *us*."

be terribly weakened. Our Empire in India has grown beyond our means; it is unwieldy, and unconsolidated from the haste with which we have clutched at new territories before we have taken firm root in our old. Lord Dalhousie argued plausibly that the Punjab cost nothing as a military charge, because he occupied it with the very troops whom it would have been necessary to maintain for our protection against it. Waiving the fallacy which lurks here, that our annexation policy was the main cause of our anxiety on the score of the Scikhs, who feared our rapacity, and would fain anticipate it, the argument is unsound; for we have denuded our interior to provide for the wants of our exterior acquisitions; and the sterling metal of our power has been beaten and spread out over an ever-increasing superficies, until, like the gold-beater's leaf, it has but little consistence, and is so attenuated as to have no strength, however speciously it may serve to hide, and even gild, the surface and inequalities of our immense area of empire.

It is, indeed, this very necessity of pushing forward our European troops to guard our new frontiers and keep in awe our newly-acquired subjects, whether in the Punjab, in Pegu, or in Scinde, that has, by leaving Hindostan Proper with scarcely a British regiment, given the sepoys the opportunity of mutinying with a prospect of success, and no doubt proved an argument of great pith with those princes and landholders who were hesitating which side to join. Thus, if we compare the distribution of our European regiments in 1857 with that of 1830, we shall be startled at the difference of the degree of security in which our old possessions were held at these two periods. At the earlier period we shall find Bengal garrisoned, in its principal cities and military posts, with something like an adequate strength of British soldiers; at the later, we shall see Benares, Allahabad, Agra, Delhi, Cawnpore, with scarcely a British defender; and thus, with nearly double the number of British rank and file in 1857 to those we had in 1830, we were positively weaker, at the dangerous points in 1857, than then, and infinitely less equal to cope with a sudden insurrection of the people, much less with a revolt of the native army.

	Strength on 1st July, 1830.	Strength on 30th April, 1857.
Presidency and in Calcutta	5,440	1,054
Below Allahabad and roads above Calcutta	1,505	1,308
Between Allahabad and Agra, including Oude in 1857	2,515	986
Above Agra, excluding Rohilcund, including acquisitions for Lahore	4,513	10,247
Lahore Proper	—	3,643
Peshawur	—	4,294
Scinde	—	1,087
Persian field force	—	4,422
Pegu	1,134	4,579
European troops on the Madras Presidency, excluding Pegu	11,006	7,304

The above return does not fully show the manner in which the European forces of India have, within the last twenty-seven years, been spread out; for instance, in 1830, the most advanced posts, Kurnal and Loodiana, had only a few European troops; whereas the European troops on that frontier, including Lahore and Peshawur, amounted, on the 1st of April, 1857, to 13,000 men, which; added to the increased force for our recent acquisitions in Pegu, and the troops with the Persian field force and in Scinde on that date, make up about 20,000 men occupying positions which did not come within British control in 1830; and the increase made to the European forces in India has not been sufficient to provide for these additional stations, without making, as shown above, a diminution in the European forces stationed at and below Cawnpore; and hence has resulted the danger even to the capital of the Indian Empire, during the revolt, besides the terrible tragedy at Cawnpore.

Our true policy consists, no doubt, in restricting the native element in our army to the smallest practicable amount; and, by availing ourselves of a system of railways and electric telegraphs, we may group our forces in masses instead of scattering them over the land, "as from a pepper box;" especially if the civil duties, now discharged by the native army, such as jail-guards, treasure-

escort, &c., be performed by an efficient police. Thus the native troops will always be kept in awe by the presence of European regiments; and we may take another guarantee for their fidelity, by so constituting each regiment, that its component parts shall be mutual checks upon each other. Thus, if a corps were to consist of 800 men, a handy and sufficient number according to our present organization,* it might comprise 200 Hindoos and Mussulmen, 200 Seikhs, 200 Ghoorkas, and 200 East Indians. This last hitherto despised class has everywhere proved itself a brave and faithful body, during the rebellion. The Eurasian has volunteered and freely taken his share in the defence of the Lucknow entrenchment, and other positions; he has fought by the side of our own countrymen, and charged with our cavalry, bridle to bridle. In Calcutta and Madras, the regiments of volunteers bear ample testimony to the physical and moral fitness of the East Indian for military duty. There exists no longer the slightest pretence for our supercilious treatment of this body, which more than any other in India has claims—the claim of blood and religion—upon us; and their community of religion with our own, would give us an additional hold upon their sympathy. "Oh! for forty men like the Madras Christian drummers and fifers, in my regiment," exclaims an officer of one of the Bengal revolt corps. "Ten just men," writes Qui Hi, "would have saved Sodom; and had there been even ten Christian soldiers in a native regiment, no such combinations as we have seen could ever have been formed to overthrow us."†

There remain some thousands of disarmed Sepoys. It is difficult to know what to do with these men. Disbandment is the worst of policies. The 34th laughed when they were dismissed, and both they and the 19th wandered about the country, representing themselves to the people as martyrs to their caste and their religion. Each wanderer was a firebrand; and if we were to disband those now in the country, though they might not succeed in raising a new insurrection, it is not to be expected that they would at once settle down into the condition of peaceful cultivators. We should add, moreover, to those bands of

* In the Appendix will be found a scheme, furnished by an officer of ability and experience, for organizing the army into legions, with 100 officers to each legion.

† Since the above was written, an order has appeared in Bengal for the enlistment of East Indians.

marauders, who will infest our roads and render life and property insecure for years to come. It is perhaps impossible to transport them bodily, otherwise that would be the shortest and best fashion of disposing of them. It is difficult, also, to restore them to their *status ante bellum*; for what confidence can we have in their fealty? Perhaps the only practicable mode of dealing with them, is to break them up and disperse them in mingled bodies among the new regiments we may raise. There is the danger of their leavening the whole, it is true, but we may take other precautions against this; and they would gradually drop off from length of service, or distaste at their altered condition. We may bring over Africans and Malays, as it has been suggested, and indeed take any measures which give us the benefit of antagonism of race. Only we must hold India by our own undivided supremacy. If we cannot, we had better retire from the scene.

Next, as to the organization of new regiments? A mistaken economy seems pointing to our adoption of the "irregular" system. In Madras, where three new regiments are being raised, it has been thought sufficient to officer them on this plan—a commandant, an adjutant, and a quarter-master, are all the staff of officers allotted. If this is sufficient, what becomes of all the complaints so lavishly poured out upon the system of withdrawing officers from their corps for civil or staff employ? This, it is said, has impaired the efficiency of regiments, led to a less intimate relation between the officers and their men, and deprived us of that minute knowledge of the condition and feeling of the sepoys, which it is indispensable that we should possess. At the commencement of the rebellion, upwards of 600 officers of the Madras army, more than one-half the whole effective strength, were absent from their regiments. Twelve hundred and fifteen officers were away from the army of Bengal; and though I have not the statistics of the Bombay army before me, we shall probably be correct in assuming that a similar proportion of absentees prevailed in that Presidency. But never has any regiment sunk so low in point of number of officers, as an irregular corps.* There have always been many more than three officers present at head-quarters, and it is wise to let well alone. The Madras sepoy requires looking after. Our organization seems

* I have been favoured with a careful calculation, which estimates the positions of

to have answered its intention, since the Madras army has been found the staunchest in India. Why then should we experimentalize and try tinkering, instead of following up that line of action which has confessedly resulted in success? If we implicitly follow General Jacob, there can be no question as to the superiority of irregulars; yet I observe that all the experienced generals who gave their evidence before the Parliamentary Committees in 1852-3, hesitated to express any decided opinion upon the point. Certainly irregulars have not proved themselves more trustworthy than regulars, during the mutinies; and it is to be remembered that the comparison is generally instituted between *cavalry* regular and irregular, and not with infantry. Possibly a system that may answer admirably for a small "plump of spears," may be altogether unsuited to the regular regiments of the line. The irregulars, too, are drawn

the officers of the Indian army on the 1st April, 1857, as follows, comprising all branches—Engineers, Artillery, Cavalry, and Infantry:

	Staff on detached employ.	Absent on private affairs and sick-certificate in Europe.	Total absentees	Present on military duty.	Total.
Colonels.....	37	149	186	37	223
Lieut.-Colonels.....	47	77	124	105	229
Majors	47	77	125	104	229
Captains.....	687	392	1079	409	1488
Subalterns	816	597	1413	2170	3583
	1634	1292	2927	2825	5752

For the sake of comparison I annex a comparative statement of the establishment of officers of the Royal army, extracted from Sir C. Trevelyan's evidence before the Commission on Army Purchase and that of the Indian army.

	Royal army.	Indian army.
Cavalry Officers	567	483
Artillery „	717	588
Engineer „	353	269
Infantry „	4350	4492
	5987	5832

The General Officer's Staff, Half-pay, Military Train and Colonial Corps, as well as Household Cavalry and Guards, not included.

from a superior class of society: the men find their own horses, and the officers are all picked from the *élite* of the regular service. I feel convinced that to ensure efficiency and content, we must keep up a full complement of officers, and it is a most mistaken economy which has caused the new Madras regiments to be officered on the irregular plan. The same consideration has also probably led to the late order to raise our regiments to a strength of 1000 men. The augmentation will give an additional force of nearly 18,000 men; yet not a single officer has been given to the line. It is only necessary to spend a few days with any regimental officer who has charge of a company, to convince us that he has already as much on his hands as he can manage. The numerous books he has to keep, the abstruse calculations to make, the reports to furnish, keep him hours a-day at his desk, and almost transform him from a soldier into a quill-driver. Eight hundred men are quite enough for a native regiment, and this increase of their numbers will not save us from the rock a-head, on which the Madras army will some day split, if the danger be not looked to in time. The men are worn out with duty, and eaten up with debt. The conquest of Pegu, garrisoned by Madras troops, has added enormously to their work. Their tour for foreign service comes round thrice as rapidly as heretofore.* The present fashion of increasing the numerical strength of regiments will not make it possible to expedite the annual reliefs. The period of foreign service will still be as long, and we shall still hear of men selling their lotahs† to provide themselves with the necessaries of life. Stories will still be rife of sentries shooting themselves, with the exclamation, "Death is preferable to this slavery."‡ It cannot, I think, be doubted, that if 18,000 additional men are required for the Madras army, the proper

* In a letter in the "United Service Magazine," for December, 1857, from a Madras officer, signed "Centurion," it is therein stated, on the authority of Sir Patrick Grant, the commander-in-chief, that more than thirty-three per cent. of the Madras army is on duty daily!

† Brass-pots. This word affords an amusing instance of the ignorance of Indian affairs which prevails in England. Mr. Disraeli spoke, if he be correctly reported, of the *lotus* being forwarded from station to station, and shortly after an elaborate essay appeared in the "Household Words," illustrative of this flower, as the "symbol" of insurrection!

‡ I am informed that a return of the numbers of men who have committed suicide within the last few years would be a terrible scandal.

course is to form them into new regiments. The expenses may be great, but we shall at least purchase the remedy we are in search of. Possibly, however, an efficient police might enable us to dispense with the necessity of so large a reinforcement of the line.

Since the above was written, it is reported that the Madras army is to be augmented by nine regiments of the line; a boon to the army, no doubt, if these regiments were to be regularly officered, but not holding out much reward, in fact, since the irregular plan of officering is to be followed, whereby twenty-seven fortunate individuals will get quasi-staff appointments, while the regular line will be weakened by that number of officers, who being still borne on the strength of their respective regiments, the augmentation gives scarcely any promotion. But I do not know that we are justified in regarding this increase from the same point of view as that taken by military men. To them, an increase of the army must always be more or less a matter of congratulation; but to the statesman, who inquires whether the expense ought justly to be imposed upon the country, the matter may well present itself in a somewhat different aspect. It has already been shown by me,* that over and beyond her annual quota of fifty lakhs (£500,000,) to the imperial expenses, add the cost of her own establishment, Madras pays £1,225,759 for the military protection of countries beyond her own boundaries, for which she receives nothing in return. It is thus that she garrisons Cuttack, Nagpore, the Straits, Sholapore, and Pegu. Were India really governed "as one Empire," this would not much matter; but as it is constantly asserted that Madras exhibits a deficit, and as this is made a plea for refusing funds for the execution of important public works, it just makes all the difference in the world, and it becomes a matter of imperative importance to guard against her resources being further burthened with the payment of troops, raised indeed within her territories, but employed at her cost.

The only ground on which the Madras army could be justly augmented is, that it is from her Presidency the most loyal soldiers are to be drawn; and provision should be made, by which, when the Madras troops are engaged on foreign service, their cost should be debited to the territories for whose protection

* "The Rebellion in India," p. 167.

103073

they are for the time being employed; in the general imperial accounts, a full equivalent should be allowed to the Presidency of Madras, and made applicable to the construction of public works, education, and the like.

The next topic to which I desire to call attention, is the future composition of the Queen's Indian army.

The Chancellor of the Exchequer has informed us that there are to be two distinct forces in India, corresponding in fact to the present existing Company's and Queen's armies. But it still remains uncertain whether the Indian army shall for the future consist of a mixed force of European and native regiments, or whether the Indian officers shall command sepoys exclusively? At present, it is to be remembered that the Company's armies include a large European force, in the shape of its artillery and European regiments. This subject was fully considered in 1813; and although the question now is so far different from what it was then, that there is henceforth to be no *Company's* army; yet all the arguments then adduced to show that the morale of the Company's army would best be maintained by having it partly composed of European troops, apply with equal force to the Indian army of the present day, which is to be changed in name rather than in substance—if I rightly collect the intentions of the minister. It becomes therefore important to place before the public the opinions of Sir John Malcolm and Sir Thomas Munro, delivered before the Parliamentary Committee of the House of Commons in 1813.*

* On the 7th April, 1813, Sir John Malcolm deposed as follows:—

Q. "What in your opinion would be the effect on the general character, respectability, and efficiency of the Company's army, if the regiments of European infantry in the Company's service were to be reduced, and if the Company's service were to consist of natives alone?

A. "My opinion upon this subject is more particularly formed upon an intimate knowledge of the feelings and character of the army of the coast of Coromandel than any other of the establishments, though I have seen and served with all; I think that the character and feelings of the officers of the Company's army have been injured by a former reduction of the European part of the Establishment, and that that injury to their feelings and to their character and respectability would be added to, and indeed completed, by the reduction of the remainder; and that a more serious injury could not be inflicted, than one which added to a distinction, which has often produced jealousy,—I mean King's and Company's—that of European and native.

Q. "You have stated the effect upon the Company's officers generally; in your

Another point of paramount importance, unquestionably, is that of securing the certain rise of merit, and the prevention not only of important military posts being confided to inefficient persons, but as far as possible, of providing that inefficiency shall not be found in the Indian army; that at whatever period in an officer's career it exhibits itself, it shall be a bar to promotion, and if necessary, a sufficient cause for removal. The athletic of to-day may become the cripple of to-morrow; the promising youth may sink into the middle-aged toper; and the position which late events have discovered to us that we occupy, requires

opinion, if that measure were adopted, what would be the effect upon the European officers attached to the native infantry, in particular?

A. "The effect which I have described would be most certainly felt by the officers of the native infantry.

Q. "What would be the effect on the native commissariat officers and sepoys?

A. "Any measure which tended in any shape or way to lower the character and responsibility of European officers with themselves, must in course be gradually communicated to the men under their command.

Q. "Do you think that any bad effects would arise from uniting the two services in one, and from incorporating the Company's army with that of the King?

A. "I conceive that the bad effects which I have pointed out from the service in India being exclusively native, would be equally felt whether that service belonged to the Crown or Company; and I conceive there are many and numerous difficulties in the way of any arrangement to connect a local service for India with the European army of England. I neglected to answer one part of the question connected with the European troops, which was, that I was convinced the feelings cherished by the Company's officers were for a system that would produce emulation with H. M.'s troops, not jealousy; and that if they felt the loss of Europeans, it was because they had lost, among other things, the power and opportunity for competing for honest fame, in the front of the battle and in the breach, with H. M.'s officers serving in India, from which they are in some degree excluded, as European troops are in general employed upon services of the greatest glory and danger. It seems impossible but that officers with that advantage which the circumstances of their commanding Europeans gives them, must feel a superiority, and the other service must feel a consequent depression."

Sir Thomas Munro's evidence before the Select Committee of the House of Commons on 12th April, 1813, was as follows:—

Q. "If the European regiments were to be reduced and the infantry of the Company's army were to consist of natives alone, what would be the effect upon the character and the efficiency of the Company's army in general, and on the European officers of native corps and sepoys in particular?

A. "If such a separation were to take place, I am of opinion that it would tend materially to destroy the efficiency of the Company's army; it has been a part of our military policy in India to raise the European character, by all possible means, to employ Europeans only in leading the assaults of all places taken by storm, and to employ them in the field in all enterprises where courage is required; by a separation of the European

the utmost vigilance for self-preservation, and the permanence of the empire. For this purpose two things seem essential; first, a system of inspection which shall be constant in its operations, and ever impending over every officer in the army; secondly, a veto on promotion vested in the commander-in-chief, which seems to be less invidious and easier of application than a power of selection.

On both these points recent enquiries prescribe us with information; and the evidence of His Royal Highness the Duke of Cambridge is precisely in point: the commissioners appointed

part of the establishment from the native, the European part of the establishment will be exclusively employed in all those services in which military renown or distinction is to be acquired; in the sepoy service, the officers cannot be employed except in all the lower drudgery and fatigue of war, they will in consequence sink in their reputation, and will become in time little better than a country militia; they will become somewhat like what the sepoys of the French Government formerly were, who, being separated from the European branch of the service, were commanded by officers of inferior description. The officers, by being excluded from all great occasions of signalizing themselves, would sink in character, and would be held in no estimation by the officers of the European part of the establishment; the sepoys, whom they commanded, would likewise lose their respectability, and the whole native branch of the establishment would then become no better than a native army is when commanded by Europeans under a native prince; the European officers of the sepoy establishment, excluded from all distinction, both in India and in their own country, would become discontented, and they would most probably in time, sooner or later, by means of a civil war, effect the separation of India from this country.

Q. "Would these be the probable effects if the three regiments of the Company's European infantry were reduced?

A. "I conceive that the reduction of the three Company's regiments of Europeans would most likely be followed by those effects."

Sir John Malcolm's evidence before the Select Committee of the House of Commons on 7th April, 1813, is as follows:—

Q. "Were not the sepoy corps in the French service in India, a distinct branch of their military establishment, separate from the regiments of the line?

A. "They were.

Q. "Was there any difference in the character and efficiency of the sepoy corps in the French service in India, and those in the service of the Company? and if there was, state the causes which occasioned that difference.

A. "The sepoys in the French service in India were always deemed inferior to those in the British service; the leading causes I conceive to be, that the service was deemed inferior by the European officers, who in consequence wanted that military pride which is essential to the character of a soldier; I also conceive a difference may have arisen, from the French officers never having attended so much to the prejudices and characters of the men under their command, as has been the habit in the English service, indeed I know this fact from frequent observations made by old sepoys."

to enquire into the system of purchase and sale of commissions in the army, report that " a system of periodical inspection by officers specially appointed for the purpose, as is practiced in the French army, would probably be found a beneficial measure, tending to give confidence in the fairness and impartiality of the reports; and though such inspection could not be applied to regiments abroad, the object might be attained by other means. A board of general officers might be constituted, under the name of *inspectors-general;* some members of this board should retire annually and be replaced by others, so that while an uniformity of

The evidence of Sir Thomas Munro before the Select Committee of the House of Commons on 12th April, 1813, was as follows:—

Q. " Did the military character of the sepoy corps in the French service in India stand as high, and were they as efficient in the field as the sepoy's corps in the Company's service?

A. " The military character of the sepoy corps in the French service was very low, and they were by no means so efficient as the Company's sepoys; I should suppose that one regiment of the Company's sepoys would have dispersed three or four corps of French sepoys, and I am convinced that this superiority in the Company's sepoys has arisen entirely from their considering themselves as a part of an European army; the officers by whom they have been trained were bred in European regiments; after serving a certain time in European regiments, they were appointed to sepoy corps, and after remaining with sepoy corps some years, they were afterwards sent back again to command European regiments, or to serve in them, so that there was no distinction in the European officer whether he was with a sepoy or an European corps; the Company's sepoy considers himself as forming an integral part of the British European army, and it is from that he derives his high character and confidence. By a separation of the European infantry, he would regard himself as no better than the common militia of the country; it would be impossible to maintain anything like equality in an army divided into two branches, in one branch of which the officers should be exclusively employed on all distinguished occasions, and the officers of the other branch excluded from having an opportunity of distinguishing themselves; without equality there can be no such emulation as there ought to be; among military men there must be something like equality to maintain it; in place of emulation we should have jealousy. Our military establishment in India should be formed upon principles which, while they extinguish all jealousy, should kindle and keep alive emulation."

The Europeans in the Company's services have never failed. No regiment in the world is more distinguished than the 1st Madras Fusileers, whose leader, Neill, saved Benares and Allahabad, and thereby secured the turning-point of the rebellion, though his real merit and share in the salvation of the empire is not yet justly understood, much less acknowledged; while the men themselves have been the admiration of the army in every duty undertaken by them throughout the war.

Sir John Malcolm's evidence before the Select Committee of the House of Commons, on 7th April, 1813, on this point, was as follows:—

Q. " Have the Company's regiments of European infantry been found equal to the performance of services required of European troops?

system is maintained, the impartiality resulting from a change in the inspectors may be secured. This board should personally inspect the troops in Great Britain and Ireland; they should also require from general officers commanding on foreign stations, such arrangements as they might deem essential for acquiring an intimate knowledge of the merits and capabilities of officers serving abroad. Such a system would, it is believed, remedy some defects which are found in the existing mode of inspecting regiments, and it would gradually collect information, which would assist the commander-in-chief whenever it may become his duty to select an officer for the command of a regiment."

A. "I believe they have on every occasion. I never heard of their failing to distinguish themselves when an opportunity was given.

Q. "Would it be advantageous in a military point of view, as well as with a view to economy, to have the regiments of Europeans in India completed by filling up the casualties with recruits, or to have them occasionally retained by entire regiments?

A. "It, no doubt, would be most economical to have them filled up with recruits, and the regiments would always continue more efficient; as any new regiment coming entire from England is unfit for service for, I may say, a twelvemonth at least."

The advantage of having a body of European troops on the spot already acclimatized, in preference to, or in aid of troops fresh to the country arriving in entire regiments by a system of reliefs, is pointed out in the same evidences. And I believe that if the steadiness of the Company's Europeans, accustomed as they are to the country and the inhabitants as contrasted with the conduct of the Queen's regiments lately poured into Calcutta, the comparison will be in favour of the former; and I am informed that though the Queen's regiments have come into the field numerically stronger than the Company's regiments, yet, after a brief period of service, the men of the latter arm have been found the better able to stand up against heat and climate. And it stands to reason that this should be so.

The evidence of Sir Thomas Munro before the Select Committee of the House of Commons, on 12th April, 1813, was as follows:—

Q. "Would any advantages result from filling up the casualties in European regiments in India with recruits from Europe instead of relieving entire regiments?

A. "I conceive that very great advantages would result from such a practice, because by sending out recruits only you have always veteran regiments; the recruits, upon their landing, are thrown into old regiments who are acquainted with the mode of living in the country, and the recruit soon becomes a perfect soldier; by sending out entire regiments, however excellent the officers may be, from their not being acquainted with the manners of the country and with the modes of living, a corps, upon its first arrival, and sometimes for one or two years afterwards, is quite inefficient if it is sent to the field, and is rather an incumbrance than an advantage to the army. There is, likewise, by the system of sending out recruits, instead of whole regiments, a considerable saving, not only in expense, but likewise in the lives of men; for when regiments are sent out in a body, from their inexperience in the country mode of living, a much greater proportion of them die than among those recruits who are thrown into old veteran regiments established in the country."

This portion of the report is based on the evidence of His Royal Highness the commander-in-chief, who pointed out that the system of inspection of regiments was, of his own knowledge, "very unsatisfactory," but that there has been very great difficulty in "carrying on the inspection, because, from the mode in which our army has been divided and situated, the inspecting officer has not had that constant intercourse with the regiments that he has inspected, which" His Royal Highness considered "is essential, in order that he may give a really candid statement of the services of the officers who are under his command." The "system which is now introduced of brigading regiments, and having them in divisions, will," in the opinion of His Royal Highness, "materially improve the system of inspection." "The arrangement is that the brigadiers make their inspections. Those inspections are further made by the lieutenant-generals generally; and they have to give their opinion to" the commander-in-chief, "whether the reports of the brigadiers are such as they concur with or not: so that it now is almost a double inspection and muster twice a year." Previously to the present system being introduced, the inspections "were much more cursorily made than one could desire, or than the officers making them would have wished;" and in reply to the question, "Has your Royal Highness ever considered the system of inspection in France?"—A. "As I understand, there are several officers who go at one and the same time and make their inspections together. No doubt that would be a very good plan. But at the same time I am not sure that what we are now trying does not almost amount to the same thing. Virtually there will be a double inspection in every case where the army is brigaded and in divisions." His Royal Highness had no doubt of the "importance, if any weight is to be attached to the reports of the inspectors, that every security should be taken that these reports are perfectly fair;" and he thought that "it would be an advantage that a regiment should be inspected by different men at different times;" and he thought that "a change in the inspectors is a good plan for getting reports on which the commander-in-chief can rely;" and to the question, "Does the system, as it works in this country, secure that change?" His Royal Highness answered, "I am in hopes that what is now introduced will in a great measure secure it;

but there again, I may observe that it has been so lately introduced, that it will require some time to see how it works. Still I think that we have an advantage now that we had not before." His Royal Highness also observed, that he apprehended there would be a change in the inspectors, as "we must move the regiments constantly; they would therefore be put into different divisions from time to time; we should thus obtain from time to time reports from a variety of general officers," and he thought that the "improvement now in course of consideration, with respect to the inspection of regiments, would give the commander-in-chief more means of distinguishing between the fitness and unfitness of officers."

The commissioners for reporting to the best mode of reorganizing the system of training officers, state that there "has been created in Austria, very lately, a separate corps of adjutants or aides-de-camp, who are charged with the administrative duties, such as inspecting the bearing, equipment, carrying on the discipline, &c., of the troops."

This consists of

11 Generals.
18 Lieutenant-Colonels.
18 Majors.
58 1st Captains.
10 2nd Captains.
10 1st Lieutenants.

The system of inspection to be devised for the Indian army should, therefore, be of such a nature as to enable the authorities, both in India and England, to ascertain with precision the real state of the military forces and establishments at any period. A separate body of inspecting officers is essentially necessary to this end; their reports being drawn out under well-defined orders, particularizing the various heads of enquiry. These inspecting officers should not have any power or authority to give orders or make changes, but only to report fully, and make suggestions for improvement to the highest authorities. They should be enjoined to avoid all interference, and, indeed, all communication, with the military authorities on the subject of their enquiries; and in order to prevent partiality, and ensure information from

numerous channels, it would be advisable to make frequent changes in the inspecting officers. By means of regular reports of this kind, Government would, in a few years, be in possession of the fullest details connected with every portion of the military establishments, and consequently enabled to rectify any defects that might become apparent.

As to the second, the power of veto, we have also the testimony of His Royal Highness the commander-in-chief, which I have abstracted.*

* Q. 4183. His Royal Highness considers that it would be more satisfactory to the commander-in-chief, if it was generally acknowledged that he had the power to veto, because although it exists, it is very rarely evinced, and leads to a great deal of difficulty and disagreeable feeling. Is decidedly of opinion that if public feeling were to support the commander-in-chief in the exercise of the power of veto, he might evince it with great benefit to the army, and without injustice to individuals.

Q. 4186-91. His opinion is most decided that the power of vetoing is much more easy to evince than the power of selection, but does not think the consequence of the veto must be selection. Thinks cases may occur in which a man has some notorious defect; for instance, for want of temper, understanding below the average, and in such cases would have no difficulty in saying, "There is nothing against your character, but you are unfit from natural defects, and therefore you cannot be promoted;" such, at present, is the power, but it is not exercised. There has been no instance of its exercise in the time of His Royal Highness or Lord Hardinge, and it would be extremely difficult to exercise it now in the present state of feeling.

Q. 4192. Thinks that if the inspection returns were satisfactorily made, there would be no difficulty in the commander-in-chief knowing whether an officer's promotion ought to be stopped or not; but considers that unless the power of veto be backed by public opinion, no man could exercise it; considers that the commander-in-chief could not exercise the power of selection.

Q. 4193. His opinion is very decided that the power of selection is impossible, whether it is to be exercised by a military man or civilian, and thinks that no man having that power would hold his position for six months.

Q. 4194. Considers that, constituted as the army is, and scattered over the face of the globe, no man can frame a standard of selection.

Q. 4195-6. Considers that a standard of veto could be made by "personal incompetency," which would appear and be reported from any part of the world, while the standard of merit might not show itself at all, and yet it might exist.

Q. 4197. Thinks it would be easier to veto the promotion to a majority of twelve captains, than to select one of those twelve as better than the rest.

Q. 4198. Thinks it would be a very delicate thing for an inspecting officer to say that one man is pre-eminently superior to all the rest.

Q. 4199. Considers that a system of selection would cause ten times as much heart-burning as the system of purchase.

Q. 4200. Does not see how a man selected upon no sufficient grounds, *could* be placed over the heads of others.

Q. 4214-20. Thinks that the system of selection would act very unjustly on

The power of veto, which His Royal Highness the Duke of Cambridge proposes for the Royal army, is peculiarly applicable to the Indian army; and it should, in order to be really efficient, commence at an early period of service, since a few years generally suffices to make known the character of every officer.

At the expiration of ten years, therefore, further advancement might be stopped on the ground of well-known and fully-proved incompetency, and so on at more advanced stages of service; and at the end of thirty-five years' service, every officer should be struck off the strength of his regiment, leaving it to Government to select him for special employment, if considered advisable. Of course, at any period after ten years, officers should be allowed to retire on suitable pensions, and if remaining as long as thirty-five years, the pension should be increased to £600 per annum, as in the Royal artillery and engineers. This change might be made without entailing too heavy a burthen on the finances of India, since we find by Sir Charles Trevelyan's evidence, (4465 of the Report of the Commission on Army Purchase,) that the per-centage of non-effective officers of the Indian army is far below that of any of the branches of the Royal army; and the average charge of each non-effective is further considerably below that of non-effectives in the Royal artillery and engineers, which, like the Indian Service, are seniority corps.

The last topic on which I think it needful to add any observation is that of a separate staff corps for India. During my residence in India, I have seen various schemes and propositions put forward on this point, but have observed that they have been invariably met by a denial of their practicability. The question

officers serving in the West Indies and the Colonies, performing very painful duties; they would lose all chance of selection, though, perhaps, pining to be employed on active service before the enemy; while other officers on active service, who would have greater opportunities of distinguishing themselves, would, under the selection system, be promoted by the commander-in-chief, backed by public opinion. There is always a great deal of promotion in regiments in time of war, and, in addition to this, war promotion; the officers on active service would reap all the benefit of the selection promotion; this would inflict upon officers serving in the Colonies the disadvantage of being put wholly out of consideration, and the promotion of regiments in the Colonies would be as good as stopped when compared with those on service, where the vacancies are few as compared with the regiments actually engaged in war.

was raised and discussed with much ability, and an intimate knowledge of military detail, in the "Madras Athenæum", of 1854, and the "Friend of India" took up the discussions in the same year.* For my own part, my opinion has oscillated backwards and forwards, and varied much from time to time in favour of and against the measure. That the scheme is not practicable I never could allow; whether it would be attended with advantage to the army if carried out is a more difficult question. Recent events have, however, furnished us with one very powerful argument against introducing any entirely new system. The success of the Indian staff in conducting all the duties on which depend the efficiency and safety of armies in the field has been beyond all question. We have not witnessed in India the repetition of such scenes as marked the earlier period of our struggle in the Crimea, and as have always attended the awakening of England from times of peace to those of war. Our troops have been moved and provided for with despatch and plenty. Mr. Russell's letter to the "Times" expresses the astonishment of the Crimean veterans at the difference between the accommodation provided for them in this country and in the camp before Sevastapol. Our staff has had no apprenticeship to go through ere it was master of its trade: no lamentable noviciate which practised on the *corpus vile* of the common soldier. The emergency was sufficiently sudden to apply the severest test to the system; and with all the strains upon it, it has not broken down. Far from it, its success is beyond all question. It is said, I know, that the comparison is not fairly instituted, for that the circumstances of the two cases are not parallel; that in the Crimea we were in an enemy's country, far from our own resoures; that here we had the civil power to assist the military in finding means of transport and the like; that in Affghanistan our commissariat broke down, and that it would have done the same in the Seikh war but for Jottee Persaud; but in the Crimea we had a seaboard close to the scene of action, and in the north-west the country was in a great measure that of an enemy. But we are not, let us hope, likely

* A mass of valuable statistical information will be found in the papers in the "Athenæum" by those who are on the look-out for facts and figures.

to require an Indian army for foreign conquest hereafter; and for operations within our own confines, even under the most adverse circumstances, it is certain that the staff, on its present organization, has answered its intended object. It is better, therefore, to improve our existing instrument than to seek to supersede it by the introduction of a new, which must be experimental, and may be a failure.

The organization of a separate staff corps for India, therefore, appears to me to involve many grave questions requiring the mature consideration of Government. In the East, a man of tact and judgment will often prove of inestimable value to the State in time of emergency; such a character will make an impression on the minds of millions of Asiatics, where a man of mediocre talent would be found useless, nay often worse—an incumbrance; but the fact of certain officers being specially set apart for staff duties, must often entail on Government the retention of many of moderate ability, and necessitate their employment on duties requiring peculiar minds, when those best fitted would only be obtainable from extensive numbers. The climate appears also to oppose the formation of a distinct corps of officers for the staff duties, unless ample provision be made for numerous absentees leaving India on account of ill-health and on visits to their native country.

The withdrawal of officers from regimental duties has been objected to mainly on the ground of causing the regular army to be inefficiently and insufficiently officered, but this serious defect is not to be remedied by prohibiting the withdrawal of all officers, but rather by properly regulating the numbers and grades to be withdrawn for staff employ, at the same time allowing an ample number for regimental and also military duties;* nor is the employment of officers on staff and detached employ the only drain on the effective strength of the army, for the number of officers on leave, on sick certificate, both in Europe and in India, often occasions as many vacancies to the commissioned ranks as the numbers withdrawn for staff and detached employ. The remedy is therefore for Government, whilst selecting the most competent

* Attention may well be directed to the system of "seconding," which has been found to answer admirably in the ordnance department of the Royal army, comprising some 800 officers, who rise as in the Company's service, by a system of seniority.

officers for the more difficult kinds of employ, to take care that sufficient inducements are given for good officers to remain with their regiments, the absolutely incompetent officers being disposed of by means of the veto power, and a sufficient number of regimental officers being allowed to provide amply for contingencies of sickness, absence on leave, and the inexperience of young officers.

The necessity of dismantling the forts and strongholds of petty chieftains; of holding the central points of strategetic combinations by strong forces; of having all arsenals, depôts, and stations well fortified and garrisoned; of massing and brigading our troops, instead of scattering them in infinitesimal fractions over an immense area; of availing ourselves of a system of railway and electric telegraph to consolidate our military power;* of keeping the science of great guns and the knowledge of the use of the minié rifle to ourselves; of having active men in command; of guarding against the emanation of a spirit of jealousy between the Queen's and the Indian armies by any undue favoritism; and of promoting a generous spirit of emulation among men of all arms, are all so obvious that they need only be mentioned in a paper already run to a totally unexpected length, on a topic so much more within the province of others than that of the present unprofessional writer.

* Had the last few years been energetically employed in developing that scheme of land and water communications which Colonel Arthur Cotton showed to demonstration were the prime necessity of this country, instead of dawdling over those costly playthings—our high-speed first-class railways; had river navigation been improved in the Indus, the Godavery, and the Ganges, and with Bourne's flat-bottomed steamers in full play, what vast facilities should we have possessed, even during the rebellion, of hastening forward men and munitions of war to points threatened or attacked. But it is the character of the Englishman to be ever wise after the event.

CHAPTER V.

Topic 8th.

VIII. What shall be the form of the Home Government of India?

As "Double Government" has been already condemned by the nation and Parliament, I have struck out almost all that I had written in favour of the abolition of the Court of Directors and Board of Control.* There is no use in thrice slaying the slain; and it is not my disposition to insult the fallen. It is wise as well as manly "parcere subjectis," however prone we may have been "debellare superbos." Besides, the East India Company has done much good in its day; it was a mighty institution, and although it has been put away because it had survived its objects, and was unsuited to the exigencies of the present day, Englishmen may be proud of its power, though they may not admire the means by which that power was attained. So far, therefore, as the past is concerned, I might leave this chapter a blank; and even as it is, I have but little to say. It is principally as regards the future that I touch on this topic at all.

We may rest assured, that the work which lies before us is

* I had at first written fully on this topic, but Lord Palmerston's Bill and the discussions in Parliament rendered much that I had noted down out of date; I therefore altered the chapter to its present form. Scarcely had this been done, when news of the change of ministry reached India. Had the fall of Double Government been the less certain on account of that change, I should have felt it incumbent upon me to have entered on the discussion of this question at large. The evils of Double Government, as they affect administration *at home*, are so thoroughly known, that I have not thought it necessary to say much regarding the delay, the expense, the irresponsibility, which this form of Government necessarily causes; my observations are chiefly confined to the operations of Double Government on administration *in India*.

more calculated to task our energies and our wisdom, than even that rebellion which we are now extinguishing. We have our power to consolidate; a suspicious disaffected body of subjects to re-assure; whole kingdoms to re-organize; sweeping reformations in revenue and justice to introduce; provinces to re-settle*; the strictest economy to practice; to recruit our finances without wringing the people; to recommence "public works;" to re-establish our credit, moral and pecuniary; to foster education; and we cannot have instruments in too perfect order, or agents too capable, for such mighty work, before which the very hearts of most men might well quail. And therefore we may well rejoice at knowing that though India must practically be governed *in* India, our working gear at home is in order. Just as sailors knock down all lumber, and even ornament, when they clear the decks for action, we have acted wisely in pitching "Double Government," that "fons et origo malorum," into the hold, at a moment when we must have nothing to obstruct our view, or hamper our exertions. Enough has been said in Parliament upon the general inexpediency of the old Home Government, which, by-the-bye, was not objectionable *because* it was a Double Government, but because it was a *bad form* of Double Government. The arguments drawn from analogy were, therefore, all worthless. England, it was said, had even a triple Government —Queen, Lords, and Commons; but independent of the answer that those form but one body, the general result of these parties checking each other is, on the whole, responsibility to the nation. The checks of the component parts of the Indian Home Governments upon each other, if, indeed, the directors had any power of check at all, resulted only in delay and irresponsibility. The expense, the procrastination, the immunity of the particular "Double Government" which ruled India, has been thoroughly exposed. Indeed the amendment of Mr. Baring virtually admitted the inherent viciousness of the system. "Single-speech Hamilton," who, like the sailor's parrot, if he did not talk much, was an awful thinker, compressed his experience of forty-years' Parliamentary tactics into a work, which he called "Parliamentary *Logic;*" a volume which may be said to comprise every sophism

* The records of the revenue settlement in the North-West are stated to have perished during the rebellion.

conceivable, in five hundred and fifty-three aphorisms, reducing to theory the corrupt practices of Bubb Doddington. This Parliamentary Machiavel tells us, that when no other topic of objection can be discovered against a measure, its opponents *must* resort to what Bentham calls the "Procrastinator's argument:"—"Wait a *little*, this is not the time."

It becomes unnecessary, also, to consider here more than cursorily the Company's defence, which is set forth in its petition to Parliament, and the supplementary "memorandum of improvements in the administration of India during the last thirty years." The latter of these two documents, it may be observed generally, is a transparent specimen of a very ordinary fallacy; that of stringing together all that is worthy of praise, omitting all that is worthy of blame. Mr. Kaye and other encomiasts of the company have rendered us so familiar with this sophism, that its only merit—that of novelty—having ceased to charm, the custom stales upon and wearies us. It was thus that Lord Dalhousie composed his celebrated retrospective minute. It is thus that Lord Harris might, at the expiration of his Government, make a seeming-show of great reforms, though the general character of his tenure of office has been stagnation. Without examining the memorandum in detail, it will suffice to say that many of its statements are grossly inaccurate. I will only instance one, which I shall have to refer to again. In page 26, the directors take credit for the abolition of the moturpha in the Presidency of Madras. It has never been abolished, but is exacted to the present day, on "the old woman's apple stall and the barber's razor." The best answer and antidote to this memorandum is Mr. Ludlow's second volume of his "British India."

The Company's petition, too, appears to me to have been singularly over-rated and over-praised. I have studied it attentively, and cannot see why it has been termed one of the "most remarkable state papers that ever emanated from a public office." It is clever; it is nicely written. Its English is very immaculate; and it may be very good policy in the Directors to declare that it is unanswerable, and the like. I am very sure I could answer it more unanswerably still, paragraph by paragraph, and, as it is, it has been pretty well pulled to pieces in

Parliament. When I see it so puffed, I think of Dickens' Yankee, who designated every one of his countrymen that chanced to be spoken of as "one of the most remarkable men of his age."

To constitute a really great state paper I conceive that something more than cleverness and correct English are necessary. It should be based upon facts; it should not be egotistical; it should be calculated to meet the object it has in view. In all these three, if, indeed, conviction and not deception was the object of the petition, I conceive that it signally fails. It would take a pamphlet to examine the petition at large; I can only suggest a few general cursory remarks. As to its facts, it starts with a statement which every one knows to be untrue. India was *not* acquired by the petitioners "at their own expense," or subsequently maintained "without the smallest cost to the British Exchequer." Whether the East India Company's Government has been "one of the most beneficent in act ever known among mankind," let the unanimous condemnation of its policy by independent bodies of Englishmen in different parts of India, let the native petitions from all the Presidencies, let the Calcutta Missionaries' petitions, and the Torture Report testify. Let the same testimony speak to the claim of the Government to be considered, as "in all departments, one of the most rapidly improving in the world." As to how India regards the Government of the East India Company, let Mr. Halliday's statement, that they believe India is "Ijrach" or *farmed out* by the Crown to a joint stock company, and that the present plan has the appearance of a "sham," reply;* and as to the assumed effect to be produced upon the people by the abolition of the Company I will add my own unqualified contradiction.

* See Halliday, 2 rep. H. of C., Q. 4059-78; 4135-38; 4144-50; 4174. See also Lord Ellenborough, H. of C., 18th June, 1852, Q. 2305. Marshman, ib. Q. 4655-6. Sullivan, ib. Q. 5010.

Mr. Halliday's evidence is so important that it may be well to extract a portion of it.

Q. 4059. "You used the expression, 'Farming the Government;' do you think the people of India believe that the Government of India is farmed to the Company, in the same sense that the taxes were farmed at the period you allude to? They use precisely the same word in speaking of the renewal of the charter. They will talk with you as to the probability of the "Ijrach" or "farm" being renewed, and, as far as I know, they have no other term to express it."

Q. 4063. "As they become more and more enlightened will not the mischief,

Mention the substitution of the Crown for the Company to a native and his eyes sparkle at the bare thought. Sir Erskine Perry told the House of Commons what alarm the Cingalese expressed at the mere idea of being transferred to the Government of the Company. The assertion that there has been "indiscriminate animosity towards the natives on the part of the Englishmen in India" is untrue. The "Englishman," which is the organ of the independent English community in Calcutta, has, from the first, steadily ignored such mistaken policy. Of the whole Indian Press, but three journals have counselled "indiscriminate" vengeance. Whether the Company has "governed India for India," or for the Company, is a matter of opinion. Those who bring forward the *words* of the Directors will establish the affirmative; those who look to their *acts* will come to a contrary conclusion. Intentions we may make the Company a present of, for what are they worth. As to the statement that "in no Government known to history have appointments to offices, and especially high offices, been so rarely bestowed on other considerations than those of personal fitness," I can only say that I believe in no country in the world is "Dowbism," in both civil and military appointments, so rampant. Let the son of a Director and an outsider from the "middle classes"—the son of Smith, the saddler—come into competition for office in India, and every man knows which will obtain the appointment. Let the second cousin, twice removed, of some needy nobleman come out with the only outfit his noble relations are likely to give him, a few letters of introduction with coroneted seals, and see how soon he jumps into command of an irregular corps of cavalry, or a snug staff appointment, while Jones, Brown, and Robinson, the "refuse," remain with the regiment to be slaughtered by their sepoys. So much for accuracy of statement.

Another large class of sophisms which runs through the petition, is that of making a virtue of necessity; claiming credit

which you consider arises from their notion of a farm disappear of itself? It may, in that sense, no doubt, and does; and yet there arises a proportionate weakness to the Government, from their seeing that the body held up as their apparent governors are not their real governors. Without wishing to speak irreverently it has somewhat the appearance of a sham."

for improvements which have been forced upon the Company, and for lines of conduct which they could not avoid. Under this head falls the patronage cry. The Company has chosen from the middle classes, because they are themselves of that class; and in providing for their own relatives, friends, and dependents, they could not do otherwise. India has not been hitherto coveted by the aristocracy as a field for its offshoots; but I am not aware that the Directors have virtuously withstood the solicitations of any "bloated aristocrat," out of a sense of duty to provide for the "middle classes." Under this head falls the claim of merit for fostering railways, education, &c. The truth is, that like a sturdy beggar, who will go as far as you kick him and no further, every one of these improvements has been wrung out of the Directors by pressure from without. The press and the Parliament have to be thanked for the contents of the "Memorandum of Improvements"—not the East India Company.

The egotism of the petitioners lies veiled under a very flimsy mock-humility. They alone are the repositories of all knowledge: their advice alone is worth hearing; they alone can be safely trusted with India; they have done everything for India; their intentions are the purest; their deeds the most benevolent; their reformatory action the most rapid in the whole world; they are so beloved by the people of India, that Heaven alone knows what will be the consequence of abolishing their rule; they are so disinterested, that to no one else can be confided the dispensation of patronage. The talking bird and golden water are in safe custody of a terrible wizard on the top of a perilous mountain; all those who attempt to reach them, as in the story in the Arabian Nights, shall be turned into black stones. There are plenty of mocking voices, it is true; but a few have at last stuffed their ears with *cotton*, and succeeded.

On the other hand, their abuse of everybody but themselves is most lavish; and herein I conceive the petition is singularly wanting in judgment; for what is so likely to irritate Parliament, and array public feeling against the petitioners, as "indiscriminate" abuse? Their independence of Parliamentary and *party* influence (as if the two were the same!) has been "happy." The most disastrous results are to be anticipated from Parliamentary interference; India will become the "shuttlecock of

faction." I would rather hope that it may become the neutral ground where party-spirit may for once be laid aside, and all adopt a common "lingua franca;" but this I feel well assured of, that whatever be the spirit in which Indian affairs are debated, India must be the gainer by constant Parliamentary ventilation. As to other "bodies and individuals" who may venture to suggest anything on Indian topics, they are "entirely ignorant of the country, or know only enough of it to impose on others who know still less than themselves;" they are "self-interested;" they have "very frequently objects in view other than the interest or good government of India," &c., &c. This has been the constant cry of the Company as long as I can remember it. If a lawyer rose up, he was a tempter; he was "venal" and full of quibbles; wedded to the narrowest prejudices; only able to take a lawyer's view of the case, not a statesman's. He was a miserable special-pleader—a pettifogger; he sought to open out vast fields of litigation for his own peculiar advantage; his experience was confined to Calcutta or Madras; he could not judge of the "patriarchal" system of administering justice in the Mofussil, or non-regulation provinces; his aim was to let in a flood of technicalities upon the unfortunate inhabitants of the interior. He set out on his selfish mission of reform with "Chitty on Special Pleading" in his hand; he was, perhaps, the most dangerous of all would-be reformers; certainly he was the most noisy, and the least to be trusted. If men, full of experience from the Mofussil, the missionaries, who had wandered from village to village with the Bible in their hand, came forward to bear witness against the state of society, in Bengal for instance, under the Company's rule, their statements were exaggerated, though it was conceded that they were conscientious; their position unfortunately forced them to take a one-sided view of affairs; their request for enquiry was superfluous, because it would only excite angry feelings among the people, and the time for *action* had already arrived. That device, be it remembered, is the last shift of the delay-monger. The *time* for action, *not action itself*, has arrived. Therefore let there be no enquiry; and enquiry is accordingly put aside, while no *action* follows. The worthy complainants are sneered at by the Court of Directors, and their testimony is got rid of. If the independent merchants and capitalists of Bengal assert that the

Indian Government has displayed such vacillation and imbecility, and such a wilful determination to ignore the true character of the rebellion, as to justify a petition for the recall of the Governor-General, they are "factious," they are "un-English," "unprincipled Europeans," "malcontents," "malignants." If the press exposes jobbery, or imbecility, or arrogance, the editors are "un-English;" they are "bullies;" they traffic in "misrepresentations," in "recklessness of assertion," in calumny; they are half-educated, broken-down adventurers, cashiered from the army, or earning a shameless livelihood after mercantile failure or a passage through the Insolvent Court; in short they are—Indian editors. If the natives of all three Presidencies come forward with charges precisely similar in their general nature, and point out such instances of miscarriages of justice, over-assessment, infamous police, extortion, insecurity for life and property, torture and the like, as, if true, are conclusive as to the miserable condition of society, these natives are the mouthpiece of the Presidency towns, not of the people at large; they are but the merest fraction of the millions of the East. The petitions are not their own composition. They are written behind the screen by Europeans; they are principally composed in London. The natives do not know what they are made to talk about; they are very far from wishing any such changes as the prayers of their petitions indicate. If a society is formed in England for the promotion of Indian reform, its members are "Sciolists;" they are demagogues; they are place-hunters; they have no accurate information; how should they? They have never travelled in India, much less had any experience from official employment. The only perfectly disinterested body, singularly enough, is that very one which monopolizes the entire patronage of India!

Then the system of Indian government is such, that nothing short of thirty years' study can make anybody conversant with its details; and thus that oldest of sophistries of despotism, which first clothes the administrative machine with complexity and mystery, and then proclaims that nothing but a specially-trained understanding can be trusted to work it, is palmed off on a credulous and careless public. I would ask if it was judicious on the part of the persons put upon their trial thus to speak of their judges.

If we except a few contradictions, such as the assertions that the Double Government is happily independent of Parliament, and that it is, as at present constituted, thoroughly amenable to Parliament; that the Directors are not justly censurable, because the Board of Control has the entire power, and again that the directors have the "initiative and advice which it would be dangerous to abolish," (paragraphs which serve to show that Mr. Mill is at least as accomplished a sophist as he is logician), the petition is pretty well demolished. As to the "sentimental" part of the paper, and the fear lest the new body should not succeed to the "feeling" with which the "historical antecedents" of the Company invest it, the less that the petitioners say on that point the better for them. Sir George C. Lewis has ably handled that topic.

There remains for me to say a few words on the future Home Government, of which it may suffice to say, that it is merely an attempt to continue Double Government under a new name, and to maintain the evil of irresponsibility.

Responsibility is the great object of the Indian Reformers, for it is only by having some *one* individual to look to, who cannot ride off on any difference of opinion between himself and his Council or Board, that a divided responsibility can be got rid of.*

Changes in India are indispensable and unavoidable. On some topics, however, enquiry may be requisite, or, at least, desirable; on others, reforms will carry themselves. This is not the time to introduce sweeping changes in India; and, indeed, none are called for. Those for which the country is now ripe will enforce themselves very soon after peace is restored; nothing is more idle, indeed pernicious, than the legislative introduction of theoretical innovations. Governments are the converse of poets, who are born, not made. In the language of Sir James Mackintosh, "Governments are not made, but grow."

At the same time, the abolition of the Double Government, of

* Lord Ellenborough, in his evidence before the House of Commons, 18th June, 1852, contemplates only a Council *of advice*, whether the Committees be named in the Bill or elected,

the Court of Directors, and the East India Company, was, I hold, a condition essentially precedent to the commencement of that better line of policy which must henceforth be inaugurated. It was wise, in the first instance, to avoid all that could give rise to opposition to the removal of the Double Government. Had the measure proposed been more sweeping; had it aimed at reforms *in* India, even the abolition of the Company might have been jeopardized. Indian reformers recognize the measure as a means, not as an end; without it they could not have worked,—with it, they must keep the Government of the day up to the collar.

How then does the abolition of Double Government at home promise to affect administration in India?

In the first place, we have swept away that "traditionary policy," which was among the main obstacles to the influx of independent Englishmen into this country. The jealousy with which "interlopers" were formerly regarded is far from extinct. The exclusive civil service, with its associations, its *amour-propre*, its *esprit-de-corps*, its hereditary nomenclature, regarded itself as the "aristocracy" of India, and indeed was proud so to designate itself. It regarded with disfavour the introduction of any independent Englishman to the discharge of functions which savoured of civil administration. It fought against the indigo-planter being made a magistrate; it saw with alarm every encroachment on its privilege and prerogative; and even while the revenue collectors are exclaiming against the amount of work imposed upon them, and the numerous different descriptions of duties they have to perform, they at the same time protest against the separation of magisterial and revenue functions, because they know that this measure, so indispensable to the well-being of the people, must, if carried, necessitate the employment of Europeans largely in the magistracy. Notwithstanding that the members of the civil service were taken, in England, from the "middle classes," it must not be forgotten that their position was entirely altered from the moment they set foot in India. They became a sort of imported fictitious aristocracy; they were no longer of the middle classes, but constituted, in their own opinion on all points, and, in fact, so far as governing functions are concerned, the highest class. They were an oligarchy; and I consider that

a "middle class oligarchy" is the worst theoretical Government in the world, for it wants all that nobility of feeling, largeness of view, politeness of demeanour, which are characteristic of an educated hereditary aristocracy. Hence the petty jealousy of the civilians towards all those who refused to look upon their body as one entire perfect chrysolite, or who trenched, however sparingly, upon the ruling functions which they looked upon as exclusively appertaining to themselves. For the same reason, the faults of the Indian Government have been, in the language of Mr. Ludlow,* "in a great measure, middle-class faults; the grasping after wealth, the hasting to be rich, the narrowness of view, aye, and not a little of the arrogance of the purse—the vulgar assumption of superiority." Now that government of India is brought directly under the Crown, it is not too much to hope that no such feelings will be allowed to prevail; that the position and value of the independent Englishman will be recognized, and enterprise be hereafter as much fostered as it has hitherto been frowned upon.

Next, the screen which the Court of Directors proved to the short-comings of the civil service has been withdrawn. Let me not be supposed to censure the individual members of that service, sweepingly or undeservedly. Their defects are the result of their system, which provides for no special training; which unavoidably fosters a spirit of exclusive cliquism. The wonder is how they have done so well, not that they have done no better. But still such is the force of a common bond of union, of an exclusive order, and its influence with the Court of Directors, the appointing and controlling body, that complaints against the administration of any individual were sure to be visited as lightly as possible, if not palliated. Hence, men in power in India might do with impunity things which would cost them their appointments at home. Witness abundant cases, which many of my readers will no doubt call to mind, but which it might be invidious in me to supply. This also vanishes with the Court of Directors. The minister at home will have no leaning in favour of the service. The conduct of every one among them is brought much nearer to Parliamentary enquiry, and this

* Vol. ii., p. 152.

knowledge will exercise a most wholesome effect upon all civil administrators in India.

Thirdly; it will not be possible now for Governors-General and Governors in India to treat with indifference orders received from the Home Government, when those orders are opposed to the feeling or wishes of the authorities in India. Obedience to orders will be enforced henceforth; and we shall thus have removed one of the principal sources of that miserable procrastination, which has kept India so long without the application of those reforms and improvements which have been demanded, argued, proved necessary, admitted, sanctioned, and positively directed. The whole history of the Company is one long illustration of this practice. It is hence that the Company has appealed to its orders, whenever assailed on the score of non-performance. "We directed the thing to be done in such and such a year; we reiterated our orders in such and such a year; we have again written peremptorily on the subject;" and yet nothing is done—those orders are quietly treated with contempt. The authorities in India remain unpunished. They know their own impunity, and take advantage of it. But what should we say of an absentee Irish landlord, who, in reply to constant complaints against his agent, of unroofing houses, turning tenants adrift, and the like, contented himself with reiterating virtuous remonstrances to his servant, and winking at his continued practice, so long as the "rint" found its way across the Channel? It is just thus that the directors and the local Government have acted, as Lord Macaulay informs us, in a brilliant often-quoted passage, in his essays. In the "memorandum of improvements," it will be remembered that the directors have taken credit for the abolition of the moturpha. It is true that express orders came out to abolish it about two years ago, but those orders have not been acted on, and the Company still pockets the tax, and makes no sign. Peremptory orders have, for the second time, come to Lord Harris to deprive two missionaries, the Rev. Mr. Gundert and the Rev. Mr. Percival, of their appointments in connexion with Government education. His lordship feels very strongly on the subject, and has written, in support of his nomination, one of those characteristic minutes, in which whole classes are sweepingly denounced without a tittle of evidence, and written down

factious, because they hold different opinions from his own.* Up to the present moment, the twice-repeated orders of the Court of Directors have not been attended to. In the present case, I conceive Lord Harris is in the right; but the question is, whether obedience should not be enforced towards the orders of his superiors? I conceive there can be but one reply, though resignation might be the alternative. One instance more, and the latest, must suffice. The President of the Board of Control stated in Parliament, on the 16th of February, that annexation frequently "characterized the policy of Governors-General, but it was in spite of the orders of the Court of Directors *and of ministers.*" Now this obedience will be enforced, no doubt, by the ministerial Government, which cannot be treated with indifference so cheaply as the Court of Directors.

Lastly, when measures are determined on in this country they will not henceforth be lost in such constant references and oscillations backwards and forwards, no one being able to tell where the hitch is; whether the Court of Directors' influence is the impediment, or if the Board of Control has refused its sanction. In short, we have no longer two Kings of Brentford; and the lieges will be the better for it, for hitherto,

Quicquid delirant reges, plectuntur Achivi.

* Speaking of the popular apprehension of proselytism, Lord Harris thus writes:—"The suspicion is not brought forward by the people. The acts of Government are not looked upon by them in that light, but the cry is raised by a few ill-disposed men, who are stirred up by *unprincipled Europeans for the purpose of creating opposition to Government. These men would not be satisfied even if the Government were to teach nothing but the purest brahminism,* and would discover some objections which would be converted into attempts to undermine the religion of the people."

CHAPTER VI.

TOPICS 9TH—11TH.

IX. Shall we continue our policy of centralization?—X. How can we improve the constitution of the local Governments?—XI. Is the Legislative Council properly constituted?

WHAT has saved India at the present crisis? The courage of Sir John Lawrence, who broke through the bonds of centralization,* and upon his own authority and responsibility, took thought not only for the safety of the Punjab, his immediate government, but for the whole empire; who opened a loan at 6 per cent., raised regiments, and forwarded every available man southward to Delhi. Our first means of checking the insurrection were supplied from the Punjab, while the central Government was paralyzed and helpless. Lord Elphinstone has raised his reputation by not hesitating to act in a manner so independent as would never have been tolerated under the rule of Lord Dalhousie. The rapid power of action which is supposed to reside in a despotic Government, and to form one of its chief recommendations when the times require a dictator, has proved to be signally wanting in the supreme Government at the hour of need. It has broken down most completely just when and where, according to political theory, it should have proved most promptly efficient. What would have been the fate of the empire if the advocates of centralization had succeeded in their desire of amalgamating the three Indian armies, and bringing them immediately under

* This is the general belief in India. The Red Pamphlet, however, says that Lord Canning at once gave Sir John Lawrence *carte blanche* to act as he pleased. If this is so, it is creditable to Lord Canning, but does not affect the argument that the centralizing policy utterly broke down in the first moment of exigency.

the central control; if there had been a community instead of an antagonism of interest; and if a unity of feeling and purpose had been fostered by a common organization ?*

Yet the public may rest assured of this, that the determination to push on the centralizing policy is stronger now than ever in Calcutta. Within the last week I have seen a state paper from a high military official, proposing the amalgamation of the armies, and the abolition of local commanders-in-chief; and Lord Canning has just "reformed" the financial department by introducing one finance department for all India, which is to be immediately under the supreme Government, and all the appointments to which are to be in the patronage of the supreme Government; while so little is local experience reckoned of any value, that the subordinate officers are to be continually on circuit at the various Presidencies, ruling at any one for no longer a period than two years. The old supercilious indifference towards Madras, "the benighted," has been exchanged for grudge and jealousy caused by the fidelity of the Madras troops, the loyalty of the people, and a dislike to acknowledge the obligations conferred upon the supreme Government by the vast amount of assistance which the "minor" Presidency has been able to render it at the season of its utmost need. Not only has Madras lent regiment after regiment, headed by her illustrious Fusiliers, who have been dispatched bodily to Calcutta; not only are her various columns now pressing forward, and the Madras sepoy thrashing the Bengalee in actual battle as heartily as he always has in cantonments, when the two have met; but at a time when the Calcutta Government was paralyzed and the military secretariat "nowhere," Madras provided ammunition, all the appurtenances of war, tents, stores, and the like, not only for the troops already in India, but for those who were on their way from England, and who, but for this aid, must have been shelterless on landing. Day after day have I seen the esplanade covered with hundreds of

* "I remember that some five years ago a proposal was made for amalgamating the whole native army of India. Where must we have been now if this had been done? The ruin must have spread much more widely and contagiously, and it has been no small source of safety to the Indian empire that the armies of the three Presidencies have been kept separate, and that the disaffection which spread among one army should hardly have reached another, and should never have touched a third."

newly-made tents; Madras has actually shipped men-servants for the use of the officers and men of the regiments coming to Calcutta, and I fear lest all the service rendered has but raised a spirit which will indemnify itself in peace by renewed neglect, and a still more oppressive claim to supervise and veto the minutest details.

It is difficult to give a clear understanding of the existence of this spirit. Perhaps it is best explained by a few examples. I give the stories as they are current in Madras, without vouching for their authenticity. When the 8th Madras cavalry refused to proceed, and were disarmed, a high Calcutta military official is reported to have said "Thank God—there is a Madras regiment gone at last." When the Madras splendid rifle corps was embarking, a Bengal officer, coming out in consequence of the rebellion, was heard to express a wish that the mutineers might give them a good thrashing. I believe this feeling extends beyond official circles. For some years a Madras engineer has been in charge of the Calcutta mint. It is thus that the "Englishman" of the 25th February notifies an approaching change:—"We understand that the mint mastership has been offered to Colonel Baird Smith, Bengal Engineers. *The owls and bats of Madras* may consequently return to their benighted city." Mr. Francis Maltby, one of the ablest administrators among the Madras civil service, was appointed commissioner some time since to bring the ceded districts into order. Major Cuthbert Davison, the resident of Hyderabad, refuses to forward his papers in their entirety to Bengal. Such a reprimand comes to Mr. Maltby as has induced him to lay the whole matter before the Governor-General in Council. When these papers are made public they will afford a pretty specimen of the pretensions and evils of centralization.

It would be difficult to commit a greater mistake than that of supposing the remedy for Indian affairs complete with the abolition of the Double Government at home. India must be governed in India after all; Sir Charles Trevelyan enunciated this truth in his evidence before the Parliamentary committee.* It is the catchword of the true Indian reformer, and though it is used by

* 3rd Report H. of C., Q. 5101.

the Court of Directors and others, who would fain divert public attention from the paramount importance of securing the responsibility of the Home Government, probably with but little sincerity; it is clear that in proportion as the actual task of governing India is to be carried on *in* India, the necessity increases of providing that the machinery for such work shall be as complete and efficient as possible. In this view indeed the condition of the local Governments in India assumes an importance even paramount to that of the Indian Home Government, since the real practical every-day work of administration must emanate from the former, and the absence of any necessity for interference on the part of the latter will be the best criterion both of the quality of the Indian administration and of the happiness of the people.

Centralization exercises so fatal an influence upon all improvement in India, that I venture to crave patience while I probe the subject far deeper. I do not speak of the destruction of municipal institutions which M. De Tocqueville shows to have been the bulwark of constitutional liberty in Europe, for we have long since destroyed all vestiges of those admirable municipal institutions which we found in India. I allude to the jealous monopoly of all power by the Supreme Government. The "Friend of India," some years back, told us that it was the jealousy of the Supreme Government, which could not *initiate* any measure in the "minor" Presidencies, that checked their independent action. The Public Works Commissioners, in their report, entered at large into the subject, and adduced many instances in which the baneful power of Calcutta had operated upon Madras. Lord Dalhousie, I am aware, denied that he had ever negatived any feasible propositions from Madras. But this question of feasibility involves the whole question which it begs entirely. It is argued that the local Government is far better able to decide upon matters requiring minute local experience than the Supreme Government, at a distance, with its overwhelming multiplicity of business, can possibly be. The vexatious delays which are continually occurring before any sanction to the most trifling outlay can be obtained, frequently appear in the public papers; and Lord Canning has recently declared that India must be governed as one Empire. This is

very evident in the recent course of legislation. We are to have *one* code for all India—for Bombay with its already respectable code, and Madras and Bengal with none! When a draft municipal act for Madras, well considered by all the authorities at Madras, was sent up to the Supreme Government, it was put aside in favour of one for *all* India and the Straits to boot; though the local peculiarities of Madras with its wide-spread environs render it a very different place from the closely crowded city of Calcutta. Another instance will be found hereafter in the special appeal act.

It is not true that India must be governed as one Empire. We do not legislate on all or even on most occasions for England, Ireland, and Scotland, by one and the same Act of Parliament; nor is the principle necessary for India; so far from it, I think it is very detrimental in its operation. If an instance be wanting I would cite that of police. I can scarcely conceive a greater mistake than that of providing one cut-and-dried uniform measure for the police of all India; and yet the well-considered scheme for a Madras police has been hung up by Lord Canning, on the plea that it was necessary to reconsider the subject of the Bengal police! But for this—the two measures being as separate and unconnected as the Presidencies themselves—we might, at this very moment, have had an effective model police in some of the districts adjacent to the city of Madras. The existence of any centralizing spirit, I am aware, is frequently denied by those whom it concerns. Lord Clare, we know, resigned the Government of Bombay because he would not stand the minute supervision of the Supreme Government. Ever since I have been in Madras I have heard constant complaints from the highest officials on this score, accompanied frequently by no slight indignation at the tone in which the Calcutta communications were couched.*

* Mr. L. R. Reid, before the House of Lords' Committee, states as follows:—

Q. "You state that the finances of the Presidency of Bombay are under the control of the Supreme Government. Do you consider that arrangement as a salutary check upon the local influence, or rather as an injurious interference with the due exercise of local knowledge?

A. "I think it acts both ways; I think it is sometimes a salutary check upon imprudent expenditure, but I doubt whether it is not also very often a check upon prudent expenditure.

That decentralization would be felt as a relief by the local administrations of the minor Presidencies, and that it would redound to their credit and advancement, I, for one, have not a moment's hesitation in maintaining. But a less interested witness had better be called into court.

Mr. Kaye, upon this point, writes as follows:—

"Looking now to general results, it would appear that this system of extreme concentration of power in the hands of the Supreme Government has imperfectly fulfilled the intentions of

Q. "What was the impression upon your own mind, during your own experience?

A. "The impression upon my mind was what the impression of a subordinate naturally would be, that the representations of the local Government were not always allowed due weight. We felt ourselves precluded from recommending much which we deemed very advantageous, but which we feared might not be so considered in Bengal."

Mr. McLeod, before the same Committee, states as follows:—

Q. "In your last answer in your previous examination, you stated that the interference of Bengal with the Presidency of Madras acted injuriously upon the public service?

A. "I think it has a tendency to prevent the Madras Government from bringing forward measures of reform, attended with expense, which, but for the necessity of submitting the matter previously to the Supreme Government, which is really formed chiefly of men connected with the Bengal Presidency, would be taken in Madras with benefit to the public interests; if there is any new expense to be incurred, even though, on the whole, there would be a saving, I conceive that, under that rule, the measure must be referred to Bengal."

Q. "Do you apprehend that there is any unfair disposition to sanction expenditure in Bengal, which does not exist in sanctioning expenditure in Madras and Bombay?

A. "I would not say that there is any unfair disposition of that sort; but I have not the least hesitation in saying, that it is the general belief of the authorities in Madras that they are better qualified to judge of the measures necessary or expedient for the Madras Presidency than the authorities in Bengal, and I think they are quite right in being of that opinion; I think, too, that the knowledge on their part that all measures that are attended with any increase of expense must be referred to the Bengal authorities to get their sanction has a tendency to impede the beneficial action of the Madras Government."

Q. "Has it not also a tendency to promote greater economy in the expenditure?

A. "I do not think it has; I do not think that, under the operation of that rule, the expenditure of the Madras Government, on the whole, is likely to be more economical than it otherwise would be, or that the interests of the public are likely to be benefited, even in an economical point of view."

And again:—

Q. "Can you point out to the committee the general distinction between the

the Legislature. It has borne, indeed, the accustomed fruits of centralization. It has dispirited and enervated the local Governments. It has thrown upon the central authority an accumulated burden, under which it has not made much progress in the work of provincial improvement. I speak especially with reference to the Governments of Madras and Bombay. The Bengal and Agra Governments are immediately under the eye of the Governor-General. He passes from one to the other, traverses the whole tract of country from Peshawur to Pegu, and has a

mode of action under the former Charter Act, and under the subsequent Charter Act of 1833?

A. "I had not any very great opportunity of observing the difference; but I think it was more with regard to the authority to create new appointments, and to incur large or permanent charges; as respects these, the powers of the local Government were much more restricted than they had been before; except upon that point, I do not remember any marked difference."

Q. "In your judgment, did any inconvenience arise from the restriction which that imposed upon the Bombay Government?

A. "Yes, I think inconvenience arose from it"

Q. "Will you state what the inconvenience was?

A. "The inconvenience was the great difficulty in getting any new appointments created which were necessary for the public service; the obstacles that were thrown in the way so numerous, and it required such detailed explanations before authority could be got to constitute any new office, that it created great embarrassment to the local Government, and tended to prevent its establishments being made so efficient as they might have been."

And again:—

Q. "Can you suggest any mode by which the relations between the Government of Bombay and the general Government of India can be improved, so as more fully to develope the resources of Bombay?

A. "I think too free an action can hardly be given to the local Government in all matters of internal administration. I think they are more capable of exercising power efficiently in such matters than the general Government of India can be."

Q. "Do you think that the powers of local Government are too much curtailed at present?

A. "I think so as regards the creation of appointments, and especially minor appointments."

Q. "Do you think it better that any such expenditure of the local Government should be made referable to the Government at home, rather than to the Governor-General in Council?

A. "I think it would be desirable that every expenditure of the Presidency should come periodically under the revision of the Supreme Government, as the whole of the finances of India would be affected by it; and they should have the power of calling for explanation in any instances."

Q. "But not a power of disallowing any expenditure?

A. "It is not a power which it would be desirable to have exercised frequently,

kindly paternal interest in the welfare of all those provinces, which, in spite of the divided administration, still integrally constitute the one great Presidency of Bengal. The vast progress, therefore, which has been made, under the Government of the North-Western provinces, can hardly be admitted as an argument in favour of this excessive centralization. We must look for arguments on the southern and western coasts; and I fear that

or minutely; but, of course, in extraordinary cases of expenditure it would be reasonable that the Governor-General should have a power of disallowing it, subject to a reference to the Home Authorities."

Q. "The extent of the power of the Governor-General should be limited by the amount which is proposed to be expended?

A. "Yes."

Q. "But you think that the limit to which the Presidency is now confined is too narrow?

A. "I do; no office under ten rupees a month can be created by the local Government, without a previous reference to the Government of India. At first, the minor Presidences were required to make such reference in each individual case, even under that amount. Then that was found to be so inconvenient, that they were requested, instead of referring each case, to send monthly calendar statements of new appointments, or changes in old ones, within the limit of ten rupees of monthly salary, which worked very well; it did away with the inconvenience of such frequent reference."

Q. "Does the restriction of the local Government, with regard to appointments, affect the power of the local Government injuriously?

A. "I think it affects their efficiency more than anything else."

And Mr. David Hill states as follows:—

Q. "Has your connection with the home administration of the affairs of India enabled you to state to the committee an opinion as to the changes made by the last Charter Act, in the relations between minor Presidencies and the Supreme Government;—is it your opinion that such changes have been advantageous or not?

A. "I think they have been of advantage; I think the principle of control has been carried too far in its operations; that is to say, the minutest disbursement at one of the subordinate Presidencies is interpreted in Calcutta to require that all the circumstances attending it should be reported, for the previous sanction of the Governor-General in Council. The Governor of Bengal takes more latitude to himself, though, in that capacity, he is as much under the authority of the supreme governor as the Governments of Madras and Bombay. There is even more sympathy for the North-Western Presidency as part of the Bengal territory; but with respect to the Presidencies of Madras and Bombay, the officers of the Government of India seem to take a pleasure in running them down. I do not think that that can have been intended. The general principle of control seems quite proper, but with respect to petty disbursements it appears that the natural course would be that the local Government, in its discretion, should authorize them, and that a periodical list of them should be submitted to the Government of India, and should be liberally constructed at head quarters."

[See further on this subject, "Calcutta Review," No. 32.]

we shall not gather, from the apparent results, any very satisfactory proofs that the tendency of the system is to kindle much administrative zeal, or to develope much internal improvement."

People in England have no conception of the extent to which centralization obtains in India. In all imperial matters, the central authority should be not only supreme, but it should initiate; in local matters, the control of the central authority should be applied in the way of subsequent check, not of previous sanction. Sir Thomas Munro, many years ago, laid down the true principle: he said—"Let each Presidency pursue the course best calculated to promote improvement in its own territory. Do not suppose that one way will answer for all, and that Madras, Calcutta, and Bombay, places 1000 miles apart from each other, must be in everything so much alike, as to require exactly the same rules of internal administration on every point; let each Presidency act for itself. By those means a spirit of emulation will be kept alive, and each may borrow from the other every improvement which may be suited to the circumstances of its own provinces. If there is only one system, and if one Presidency is to be the model of the rest, it will have no standard to compare its own with; and when it falls into error, it will, instead of correcting it by the example of others, communicate it to them." Nor was Munro singular in his opinion. Mr. Elphinstone, Sir Richard Jenkins, and other distinguished men, entirely coincided with him. A bureaucratic centralized despotism may suit the inhabitants of the Continent of Europe, but is not, and never will be, the form of government for Anglo-Saxons—men who love to have elbow-room—men, who, when they have the opportunity, build their houses with a clear space around them on all sides.

Lord Dalhousie denied that he had ever injudiciously or unnecessarily fettered the Madras Government. But the general sense of the officials in the subordinate Presidencies is certainly to the effect that their operations have been capriciously and injuriously crippled by centralization. *

* In proof of this we may consult Lord Elphinstone's evidence: H. of C., 11th June, 1852:—

2104. Q. "Will you state to the Committee what, in your opinion, has been the

To the extracts given may be fitly appended the opinion of a distinguished foreigner, the Count Von Orlich, who takes an unprejudiced survey of Indian politics from a point of view different from our own. He writes as follows:—

"The greatest mistake of late years has been the constant aim at centralization. All centralization carries in it the germ of

effect of the changes made by the Act of 1833 in the relations of the subordinate Presidencies to the Supreme Government?

A. "I think the effect upon the subordinate Presidencies has been upon the whole very injurious. I think it has lowered the character of those governments in public estimation, and damped and depressed the zeal of public servants under those Presidencies. It has also led to considerable delay in the ordinary transactions of business."

2105. Q. "How have those changes produced those results?

A. "I think that governments that are deprived of the means of executing improvements which they consider necessary, and which are subject to minute supervision in every petty detail of administration, cannot be expected to command the same respect that other governments possess that are not shorn of those attributes; I think the subordinates under those governments feel the powerlessness of the governments under which they serve. The delay that is caused is very great in the transaction of business. If the Governor-General happens to be at Simlah, which he frequently is, being about 2000 miles from Madras, in a country where there are no means of rapid communication, the necessity of reference causes very great delay. If he leaves the duty of superintending the affairs of the other Presidencies to the Council at Calcutta, the delay is certainly lessened, at least as far as Madras is concerned; but it is at a further expense of the consideration of the Governor of those Presidencies, while the object sought to be attained, namely, the centralization of power in a single controlling authority, is defeated."

2106. Q. "Do not you think that the necessity of reference to the Supreme Government, as to all points of expenditure, has acted as a salutary check upon extravagance in the subordinate Presidencies?

A. "I very much doubt if it has. I think that the responsibility is in some degree taken off the shoulders of the subordinate Government, and transferred to a Government which has no effectual means of checking the expenditure, or of knowing what expenditure is judicious and what is unadvisable."

2107. Q. "But the finances in India are under the control of the Governor-General in Council?

A. "Yes; and I think the supreme control of the finances of the Government should continue in the hands of the Governor-General in Council, but that all the details of administration of the subordinate Governments should be left to the Governors in Council of those Presidencies."

2138. Q. "Has the expenditure, which you and your Council recommended at Madras as, in your opinion, necessary for the good government of the province, been rejected in frequent instances by the supreme Government of India?

A. "Very frequently; and occasionally recommendations have not been so forwarded, from the certainty that they would be rejected. I think, on the one hand, it sometimes makes the subordinate Governments send in applications for expenditure without due consideration; and on the other hand, it sometimes prevents their sending

revolution and ruin. The centralization of an empire like India must be regulated by the measures which its external relations demand; while internally it should aim chiefly at the management of its roads, canals, ports, &c. All beyond should be left to the different territories, and the more the principles of self-government are allowed their full play among the various peoples,

on recommendations of which they approve, from a conviction that they will not be sanctioned."

Mr. W. Wilberforce Bird is of the same opinion, 14th May, 1852:—

1010. Q. "Would you suggest any change in that system?

A. "I think there might be a limit; at present, at neither of the subordinate Presidencies can the slightest expense be incurred, not even to the amount of five shillings, without the special sanction of the Government of India. Perhaps this is too strict, there might be a certain limit within which they may be authorised to expend money without the sanction of the Governor-General in Council; it increases the number of references, and such small expenditure is generally sanctioned; the Government of India could hardly refuse a disbursement to that extent."

Mr. Willoughby says as follows, 27th May, 1852:—

1476. Q. "What have been the effects of vesting the Central Government with the present power of control over the subordinate Presidencies; have they all been advantageous, or the reverse?

A. "In my opinion, the authority vested in the Government of India over the subordinate governments has produced both good and evil; on the one hand, by checking any tendency to extravagance, it has promoted economy; and on the other hand, it has transferred to a distant authority the decision of questions in which the local authority is much more likely to be able to form a correct judgment. I have heard, though I cannot possibly vouch for the fact, that the late Lord Clare resigned the Government earlier than he would have done, in consequence of the changes introduced by the Act of 1833, but no doubt he must have felt the restrictions under which the Act placed the subordinate Governments in a greater degree than subsequent Governors, because from 1831 to 1834 he had exercised the power of Governor without being subjected to those restrictions. He therefore felt, probably, the restrictions more severely from having acted for three or four years unfettered; but from my own personal knowledge, I can affirm that the late Sir Robert Grant, one of the most conscientious and benevolent men with whom it has been my good fortune to be associated, and who, in his seat in Parliament, strongly urged the expediency of the subordinate Governments of Madras and Bombay being placed under those restrictions, felt that they impeded and hampered his powers of doing good, although they had not, during his administrations, been brought into full operation. This affords a remarkable proof of the difficulty of attempting to legislate for India on mere theory alone, and forsaking the safer guide of practical experience,—a fault which I fear many are too prone to fall into. To resume, however; the restrictions under discussion have operated injuriously in various ways; they have increased and multiplied correspondence to a great extent, and have created delays and obstacles particularly in regard to measures devised for the improvement of the country, and more especially when the Governor-General of India has been obliged to be absent from the seat of government. These inconveniences would not have been so much felt, had Madras and Bombay

districts, places, and communities, each according to its situation, customs, and means, so much stronger will be the chain which binds all together. England herself exhibits to the fullest the blessings of such a system, and her neighbour the consequences of a fatal system of centralization."

But Lord Dalhousie, I am aware, took another ground. He

been represented at Calcutta, as, I believe, was contemplated; but only on one occasion have the interests of Madras been represented, (I refer to Colonel Morrison)—those of Bombay never. We have therefore felt, more especially during the frequent and unavoidable absences of the Governor-General, that we were not subjected to the control of a Government of India, composed of members possessing a knowledge of all India, but to a Government of Bengal, composed, no doubt, generally speaking, of men of distinguished abilities and sterling integrity, but imbued with Bengal influences, and, occasionally, prejudices. By the Act of 1833, the power 'of creating any new office, or granting any salary, gratuity, or allowance, without the previous sanction of the Governor-General in Council,' was withdrawn from the subordinate Presidencies. The first restriction, that against creating new offices, was salutary; but those that follow carried out the system of centralization too far, and, in fact, in practice, the strict observance of the law, which was for a time attempted to be enforced, has been evaded. The rule, of referring in the first instance on all matters of finance, however trifling in amount, to the Governor-General in Council, was found to be so inconvenient and productive of such delay, that the Government of India dispensed with a formal reference in each case, and allowed monthly abstracts to be substituted, exhibiting any increased expenditure. Those abstracts then undergo audit at Calcutta, and the several items are either approved or disallowed; in the latter case, giving rise very often to a long correspondence. There is also another instance in which I think the control of the central Government operates prejudicially. The expenditure of Government is, of course, divided into fixed and contingent; the abstracts prepared in each office are subjected to audit in each month, in their respective departments; but it often happens that, for the good of the public service, changes are required, and the subordinate Governments have not the power of sanctioning those changes without a previous reference to Calcutta. Even, although, in the aggregate, no increase of expense is incurred, we are obliged to explain in detail why we think A. should receive three instead of two rupees, and why B. should receive two instead of three *per mensem*. This appears to me to be a mere waste of valuable time and paper, and especially when we consider what large miscellaneous powers are of necessity intrusted to the subordinate Governments. But it is in measures relating to local wants and improvements that the minute control of the Government of India is most severely felt, and the more so, because in these days, when steam annihilates both time and space, it is felt to be unnecessary; for the subordinate Governments, in common with the Government of India, are also subjected to the strict supervision and control of the authorities in England. In fact, we often find, that after having incurred the trouble and delay of a reference to Calcutta, we are told that the matter will be referred for the consideration and orders of the Court of Directors. The delay and inconvenience which would result from these double references was foreseen by the Court, and was urged by them, when the Act of 1833 was under discussion, as a reason why the subordinate Governments should not be divested of the powers they formerly exercised. One or two examples will illus-

stated that the Court of Directors had left him no option. The following* is the document on which his lordship relied :—

"The powers thus conveyed, when the words are interpreted in all their latitude, include the whole powers of Government; and it is of infinite importance that you should well consider and

strate the question. It will be admitted that banks established on sound principles, are calculated to promote the interests of a large commercial community like that of Bombay. A chartered bank had for many years existed at Calcutta, and a Government Bank at Madras; in the course of time, a respectable proprietary was formed to establish a bank at Bombay, and the capital deemed necessary was subscribed. A reference was made to the Government of India for sanction, and after a very considerable delay, the subordinate Government was informed that the Government of India, in consequence of certain differences existing among the shareholders, had resolved to dispose of the bank stock by public auction, and to apply the premium expected to be realized to improvements in Bombay. This fatal shock to private enterprise was only averted by the original projectors of the bank deputing a special agent to England to represent the injustice of the proposed measure, and the Court of Directors at once afforded redress, and gave the requisite sanction.

The proprietors had then to apply to Calcutta for an enactment, and one was at last tardily passed, clogged, however, with a condition which operated most injuriously to the interests of the bank, and from the effects of which, it has not to this day recovered. In this instance, a delay of, I think, between two or three years occurred, on a question on which, having precedent to guide us, and subject, of course, to the approbation of the Home Authorities, the subordinate Government was much more likely to know what would be beneficial, than a distant Government, occupied with its own interests; it was not a question relating to the services, but to the commercial community of Bombay, and the proceedings of the Government of India on that occasion created great dissatisfaction. Again, in regard to local improvements, I will give the following example:—this Committee, no doubt, is aware of the discussions which for some years past have taken place on the subject of augmenting and improving the quantity and quality of cotton from India. I can testify that the Bombay Government has given much and anxious attention to that question, regarding it as one of national importance. One of the chief ports from which the cotton of Bombay is exported is Tancaria; the conveniences of the port (it scarcely deserves the name) are exceedingly small; in fact, it is a muddy creek, from which merchandize can only be shipped at certain periods, and at spring tides the seawater overflows its banks; for the convenience of the shippers, and to prevent the cotton being soiled with mud, it occurred to the local Government that a pier, wharf, or quay might be constructed; an engineer officer was therefore deputed to the spot, to report upon the practicability of the work, and to estimate the cost of construction; he reported that it was perfectly practicable, and estimated the cost of construction at about 30,000 rupees, or £3000. After these preliminary proceedings, the improvement, as is required in all cases, involving an outlay of more than 10,000 rupees, or £1000, was referred, with the recommendation of the local

* Extract from the Court's Dispatch on the Charter Act of 1833, to the Government of India.

understand the extent of the responsibility thus imposed upon you. The whole civil and military Government of India is in your hands; and for what is good or evil in the administration of it, the honour or dishonour will redound upon you.

" It is true that former Acts of Parliament, which made the

Government, to Calcutta for sanction, and the answer we received was in the negative, on the plea that on financial considerations the outlay could not be authorized. This occurred in the middle of 1850. The proceedings must, in due course, have been reported to the Home Authorities, who may at once, recognizing the importance of the work, have sanctioned it; but when I left India in May, 1851, Tancaria Bundur was in the same unimproved state as when I first visited it 32 years ago. No one is more sensible than I am of the necessity of prudent economy, or more opposed to a wasteful expenditure of the public money, but I think the Committee will agree with me, that the restrictions under discussion in this case operated most injuriously, and were disheartening to the subordinate Government, who were endeavouring to do their duty to the country and the people. I could easily cite other examples; for instance, the Bombay Government has repeatedly requested to be permitted to bridge the rivers and nullas, which abound in the high road between Bombay and Agra—an unbridged road in India—being, for the purpose of traffic, perfectly useless during the rainy season. It was a work, no doubt, involving a very considerable expenditure, and we received the usual reply, that the state of the exchequer precluded sanction. No doubt, on large questions, such as those of peace or war, or political relations with the native states, and matters which require a large outlay, the control of the central Government is highly proper and beneficial; but a general control of this nature existed even before the passing of the Act of 1833, and the Court of Directors had, previously to that Act, prohibited even the Supreme Government of India from creating any new office without their formal sanction. On the whole, I am decidedly of opinion that, in matters of finance, a greater latitude of discretion might, with advantage, be allowed to the subordinate Governments, provided they are competent and efficient, but if they are not competent, the more restrictions they are subjected to, the better it will be for the public interest."

Lord Ellenborough says, 18th June, 1852:—

" But I should have been glad if there had been associated with the Council some distinguished officers of the Madras and Bombay Presidencies, with whom the Council might have advised upon matters referred for its consideration and orders, by those two Presidencies. It is impossible not to admit that there may be certain prejudices existing in servants of the Bengal Government, which may induce them not to view with the same degree of favour proposed expenditure in Madras and Bombay, with which they would view similar proposed expenditure in their own more immediate province. Although the control was made by the Act very much greater, on the part of the Supreme Goverment over the Madras and Bombay Presidencies, than it had been before, I certainly did not know so much of the affairs of Madras and Bombay, as Governor-General, as I had known as President of the Board of Control; whether the cause of that was, that having the concerns of Bengal, of the army, and all political matters more immediately before me, I did not pay so much attention to the affairs of those Presidencies when Governor-General, as I paid when at the Board of

local Government a Supreme Government, gave the Governor-General in council a control and superintendence over the other Presidencies, as complete and paramount as it was possible for language to convey; and this we must assume to have been the intention of the legislation. In practice, however, the Supreme Government made little exercise of its superintending authority, and the result has been that even that little exercise of it has been generally made when it was too late to be made with real effect, namely, after the subordinate Government had taken its course, thus losing the character of control and responsibility; and retaining only that of *ex post facto* intervention,—a sort of intervention always invidious, and in most cases nothing but

Control, where the matters of all the Presidencies came equally for consideration before me, I do not know ; but the fact is so."

Lastly, Mr. Sullivan's deposition is as follows :—

4663. Q. " The Committee are aware that you have given much attention to the subject of the Government of India, and they will be glad to hear what you consider the defects in the present system, both in India and at home, and what remedies you would suggest as applicable to those defects ; perhaps it would be better to divide your answer, and to begin with the Government in India ?

A, " I think the sooner the relations which subsisted between the Supreme and subordinate Governments in India, previous to the legislation in 1833, are restored, the better ; I believe that all legislation that disturbed those relations was wanton, mischievous, and has been most pernicious in its operation ; I think it was wanton, because, under the old law, the Governor-General had full authority to interfere in the affairs of the subordinate Presidencies, whenever he thought fit ; he had such ample power that he might have made either Bombay or Madras the seat of the Supreme Government for the time, and have had the whole of the affairs of those Presidencies under his hands ; but this power was, in my opinion, wisely kept dormant, except upon great occasions. It never was brought into operation except the Governor-General thought the public interests likely to be seriously compromised by the subordinate Government. The legislation of 1833 kindled those powers into what I consider to be a mischievous activity ; it threw upon the Governor-General, already overloaded with business, additional business which he had no competent qualifications to perform. It exceedingly weakened and lowered the dignity of the subordinate Government ; it detracted very much from its authority ; and it left to the Governor-General questions to decide, for which he had no previous preparation. The consequence is, that the business of the subordinate Goverhments has, in a great measure, been taken away from those who are perfectly competent to discharge it, and lodged very much in the hands of the secretary, who has never given his mind at all, nor had any opportunities, to qualify himself to decide upon subjects. It has had another very mischievous effect,—that is, that it tends very much to make Bengal a model for all the other Presidencies ; countries, which are as far separate and as distinct as Russia and Spain, have a tendency, under the present regime, to be brought under the same regulations, and the same laws and customs."

invidious, because what was already done, however open to censure, was beyond the reach of recall or correction.

"It is evidently the object of the present Act to carry into effect that intention of the legislation, to which we have alluded. Invested as you are with all the powers of Government over all parts of India, and responsible for good government in them all, *you are to consider to what extent and in what particulars the powers of Government can be best exercised by the local authorities, and to what extent and in what particulars they are likely to be best exercised when retained in your own hands.* With respect to that portion of the business of Government which you fully confide to the local authorities, and with which a minute interference on your part would not be beneficial, it will be your duty to have always before you evidence sufficient to enable you to judge if the course of things in general is good; and to pay such vigilant attention to that evidence, as will insure your prompt interposition whenever anything occurs which demands it."

It is obvious, however, that, so far from these instructions leaving the Governor-General no option, they invest him with absolute discretion as to the quality and extent of powers to be exercised by the local authorities, and the time and method of the Supreme Government's interposition.

Let me not be thought to deny the necessity of an ultimate supreme authority. For the command of armies, the power of legislation, for the framing of treaties, the declaration of peace and war, the imposition of taxes, the settlement of traffic, the origination of main trunk lines of road, railways, and electric telegraphs; all those things, in short, which are from their nature *imperial*, require some one central controlling authority; but in those matters which may be called the domestic affairs of Government, each Presidency may well be left to itself. It should have the entire management of its own administration,—judicial, police, and financial. It should raise its own loans, carry out its own public works, conduct and correct its own revenue system, and be directly responsible to the Home Government for its conduct in all these matters,—just as in Australia, the several Colonies are permitted to manage their own internal administration in all respects, notwithstanding the existence of a

Governor-General.* Indeed it is quite impossible that any one man, be his physical and mental powers what they may, can master the details of the affairs of such an Empire as India. His experience of the wants of a particular province or locality cannot be put in competition with that of the local authorities on the spot. He is forced to rely on those about him, who not only share his ignorance, but have their own objects to promote, their own prejudices to flatter, their own pet improvements to get sanctioned, their own districts to favour, and, consequently, the question is shelved till some more convenient season, by suggesting a call for further information, a sarcastic refusal, or a

* It is thus that the matter was treated in the "Madras Athenæum" in November last:—

"That in place of the Court of Directors, there will shortly be a single Council for India in England, can scarcely be doubted. The minister for India will be brought face to face with his council, and that council will, we trust, be composed of the best men that can be selected, and will not, for two thirds of it, be, as now, the result of an election more curious than creditable. In all matters of a purely local nature, there should be no go-between to that Council and the Government of a Presidency. Sufficient for the Imperial Government its control over the minor Governments in Imperial affairs. Of everything else it should be relieved. By this means, what an immense burden would be lifted from the central machine! What a freedom would be given to its motion! What a mass of complicated details would be taken from it! What a clear quarter-deck would be left for the captain's meditations! Nor would the effect be less advantageous to the minor Governments themselves. Men work ten times as well when they are pretty certain of their labours having palpable results; and statesmen take broader views, and originate bolder measures, when they feel tolerably sure of support and appreciation.

"We believe that our countrymen at home have generally no conception of the extreme centralization of authority in the hands of the supreme power in India. They are not aware that an empirical system, which cannot bring forward a single successful precedent in its favour, and which is utterly opposed to English habits and feelings, has been suffered to grow up, and exert its pernicious influence, until the operations of the various Governments within its influence, have been almost reduced to stand still. We are certain that the thing only requires to be brought before the public at home to be condemned; and we look with confidence to Parliamentary interference for so desirable a result. Too long have the interests of the minor Presidencies, to say nothing of the Straits settlements, been sacrificed to the fortuitous motives prevailing at different times in the Supreme Council of the Empire—faction, jealousy, ambition, or some monomaniacal idea. Let us look forward to a happy adjustment of the balance between local authority and central control—to local councils remodelled so that every section of the community may have its proportionate interest, and no more than its proportionate interest, represented in them—and to a check upon, rather than a sanction to, the measures of our domestic administrations, by the Council for India in England."

reference to the Court of Directors. Especially will this policy prevail where the Governor-General has some favoured province of his own which he is desirous of fostering at the expense of our older acquired territories.

Let us test the results of the "most rapidly improving Government in the whole world," by a few figures. If the commercial statistics of India, during the past few years, be contrasted with its condition some years back, it will appear that the progress of the country has been considerable. Thus it is stated in the "Memorandum of Improvements," that since 1854-5, up to 1855-6, our exports have risen from £7,993,420 to £23,839,268, while, during the same period, the imports have risen from £4,261,106 to £13,447,027. I shall not stop to enquire here how far the Company's Government can fairly lay claim to the credit of this increase; let the reader compare some of the actual imports and exports with those of colonies and countries elsewhere, when it will be found that other Governments, without announcing that they are among the most rapidly improving in the world, have a marvellous superiority over India. *

But here we are met with the constantly recurring fallacy, that no comparison can be fairly instituted between India and the other Crown possessions, because India is not a *colony;* and therefore that the condition of "the colonies" affords no argument for transferring their systems to India. In Australia, for instance, it is said, we are dealing not with a conquered population, but the emigrant surplus of our Anglo-Saxon race, who carry out with them to this home of their adoption,—that

"ambiguam tellure novâ Salamina futuram,"—

not only the rights, but the prejudices and institutions of Englishmen. What point of resemblance does such a condition of things present to the condition of India, where we stand, to use the phrase of one statesman, as the Normans among the Saxons? But not to speak of Jamaica, and the other West India colonies, where we had to deal with an aboriginal population, what shall be said of Ceylon, which is not nearer to India

* Two articles which appeared in the "Madras Athenæum" of 25th July and 8th August, 1854, wherein the figures and comparisons are conclusive, will be found in Appendix.

geographically than its other features? There we see the happiest results from the system advocated for India; a mutual respect and confidence established between the people and the Governor; the country rapidly progressing in wealth and social improvement, and the state of the people such, that notwithstanding the immense number of Indian immigrants, Sir Henry Ward was able, without fear for the safety of his own dominions, to despatch troops to the assistance of the Government of India.

It may be objected that, as to Ceylon, the foregoing remarks bear rather upon the form of the particular Government than the subordination of one Government to another; and this is undoubtedly correct: but nevertheless the remarks are directly in point, because if it be decreed that the obnoxious principle of centralization shall cease, the powers and forms of the local Governments become necessarily the next immediate object of deliberation.

To keep up such a costly Government as that of Madras, when it is so utterly powerless that it cannot sanction "an increase of one rupee a month to two sweepers,"* is such a monstrous absurdity, that nothing but the apathy of England towards India, the general ignorance of her affairs, and the self-interest of those who looked to the enjoyment of immense salaries drawn from the people of India, could probably have perpetuated it to the present day.

The annual cost of this pageant is 7,09,619 rupees.

The items are as follows:—

The cost of the Madras Government is as follows:—

Governor	1,43,500	Chief Secretary	50,000
Private Secretary	18,000	Secretary, civil and judicial	40,000
Military do.	12,000	Secretary in Military department	24,000
Office Establishment	4,374	Deputy Secretary ditto	9,724
Gardens	19,419	Ditto to Government	12,600
Contingencies	26,053	Total, Secretariat	1,36,324
Total, Governor	2,23,346	Office Establishment	1,36,149
Commander-in-chief	85,800	Total	7,09,619
3rd Member of Council	64,000		
4th Ditto	64,000		
Council	2,13,800		

* See "Rebellion in India," p. 181.

A pretty sum, truly, to pay for deliberations which cannot be trusted to settle the income of a sweeper's pay of one rupee a month. The feeble Madras Government, at the present moment, is pitiable in the extreme. As a Member of Council told me the other day, there are only two orders now passed; one is, "Refer it to Calcutta," the other is, "Refer it to the Advocate-General;" so cabined, cribbed, confined, and, consequently, so timid, has the Council become.

It may be agreed, however, that in proportion as the incubus of centralization is removed, and the subordinate Governments rendered independent, will be the increase of work they will have to perform, and the necessity of experienced men in Council to deliberate over the welfare of the people then really committed to their care. But this by no means follows as a matter of course. Several schemes for remodelling the local Governments have been suggested. The bulk of evidence detailed before the Parliamentary Committees of 1852-3, I am well aware was in favour of the continuance of councils in minor Presidencies. The reason assigned by all the witnesses, was the difficulty of otherwise dealing with the armies of Madras and Bombay. The province of Agra, it was said, has no army of its own, no Commander-in-chief; and therefore a Lieutenant-Governor is sufficient for the chief administration of affairs; but where there is an independent Commander-in-chief, there must be a Council. I do not myself see the force of the reasoning, and at any rate there would be little difficulty in devising a remedy. The great good, as it appears to me, to be anticipated from reducing the Governments to lieutenancies, would be the necessity induced of selecting for the office, men of real experience and long practice in India affairs. A vacancy in either of the Presidencies would not then be seized as an opportunity of providing for some needy peer, whose foot is to touch the Indian soil for the first time at the moment he commences to draw his enormous salary. Men of the stamp of Thomason, Munro, Metcalfe, and Mertens Bird, must then be sought for; for, otherwise, the neophite Governor would be a mere tool in the hands of his Secretariat, who would pull his wires as they pleased. If economy is to be the order of the day, the prospect of this prize, being in the main confined to the Indian services, would go far to compensate for reduced allowances,

and stimulate the happiest spirit of energetic competition. Late events are, of themselves, enough to save us from the infliction of Commanders-in-chief—graphically described as too weak to rise from a chair when sworn in at the India House, or so blind that, but for timely guidance, a screen would not have been avoided by the retiring nose. On the other hand, however, this scheme smacks of centralization; for Lieutenant-Governors would be more immediately under the control of the supreme authority than even the present Governors and their Councils; though, perhaps, this very fact, by destroying all jealousy of the mere semblance of power, might lead to far wider liberty of action than is permitted at present. Colonel Cotton's objection, too, deserves consideration. He is for an infusion of new blood into the Council Chamber, whenever practicable. The semi-Bhraminized "Anglo-Indian maniac" he regards as the worst of stop-gaps, and says, improvement is hopeless under the guidance of such men. The best chance for India, he argues, is, in having her affairs administered by English statesmen, with English ideas and feelings. There is much truth in this; but I believe it is possible to combine the advantages of practical Indian experience with the liberality of English ideas. In deliberating on Indian affairs, we have frequently only a choice of difficulties; and the more we learn of facts, the less we rely on theories, our most settled notions being ever liable to considerable modifications. I do not, therefore, dogmatically insist on what I am about to propose, being the best possible form of government; but suggest for the consideration of others, what seems to me, on the whole, to offer the best hope of success. I would keep the present form; but reduce the salary of the Governor, and entirely remodel the Council. In point of fact, I would give him much such a Council as obtains in Ceylon. The proof of the pudding is in the eating. The results of both the Ceylon and Indian forms of government are before the public. The one has proved itself nearly all that can be desired; the other has most signally broken down. The day has gone by when the natives at the Presidency "reckon up" a Governor according to the silver on his body-guards' pelisses, or the number of gilt sticks up behind his carriage. Less pay and more work; less show and more utility; less mystery and more publicity—are the directions in which reform lies. Pageantry is

not necessary to inspire a real respect; and a Governor might be a far less costly agent without impairing his efficiency. The Council Chamber is at present like the "pillow" of the Common Pleas in former days, a mere "Sleepy Hollow," where worn-out effete Civilians repose; or where an efficient man, if one is now and then caught, wastes the time and labour which he might beneficially employ in the administration of affairs in the Mofussil. If the Councils were composed of a greater variety of elements than at present enters into their composition, the Government would be greatly the gainer. As the Council is at present constituted, all matters which come before it are exclusively regarded from a single point of view, that of the Civilians—men who have necessarily a common *esprit-de-corps*, who are brought up in one and the same routine, who have a "traditional policy" for their guide, and the interests of their order to support. Not that I would wish to see the Civilian elements excluded. These high prizes act as so many incentives to energy; and the Civilians must always bring to bear upon any Indian topic an amount of practical knowledge and lengthened experience which it may be difficult, if not impossible, to obtain elsewhere: but if there were added to the Council, men who should represent other important interests, such as those of the mercantile class—the Mofussil adventurer, the lawyer, and the native—all questions would be treated with sufficient breadth of view, and that ample discussion, which nothing but the clash and conflict of a variety of opinions can secure. There would, probably, be no occasion for giving any pecuniary compensation to any member of Council other than those, who, being members of the Civil Service, have no other means of obtaining an income. At any rate, a moderate salary would suffice. I am inclined to think that the position which a seat in Council would give to its occupant would be sufficient temptation and reward to the independent members; and though I may be laughed at for suggesting that a native should sit at the Board, I sincerely believe in the propriety of rendering it generally known that there is *no obstacle* to a native being in Council, if only a person duly qualified can be found. I am far from advocating the hasty advancement of natives into the highest employment *per saltum*, or till they have proved their fitness for civil administration by a gradual rise, through inferior office.

But at the present moment I could name certainly one native whose presence in Council, though it might not be very palatable to the present occupants, would, I believe, be attended with great benefit to the public service. In point of acquirements, knowledge of the people, an upright desire for the welfare of his countrymen, a steady allegiance to the Crown, and a thorough appreciation of the worth of English rule, the gentleman I allude to is quite on a par with any European of my acquaintance. Closely connected with this topic is the necessity of abandoning that abominable system of secrecy which is the bane of Indian administration. Publicity, ventilation, are the best safeguards for a careful discharge of public duties; secrecy has hitherto been the bane of Indian administration. The topic is to be considered more at large elsewhere. Again, a sweeping reform is essential with reference to the enormous abuse of minute and report writing. Here, circumlocution runs riot; reams of harmless foolscap are consumed weekly to record and re-record, copy and re-copy papers which ought to have been condensed into the limit of a single side. I could give instances which would make a plain man's hair stand on end of this useless multiplication of labour, waste of time, money, and materials. I would put embryo Members of Council and Secretaries through a course of electric telegraph, and make them pay for their own messages. It is astonishing how wittily brief their style would become in a short time.

One topic remains to be handled; and upon the best consideration I can give it, I think that the legislative power had better continue as it is at present, in the central seat of Government. I do not think the new Councils should have any legislative powers. Each Presidency is represented by a member of the Civil Service, who is supposed to look after the interest of his own Presidency in the Legislative Council at Calcutta. Under the present system he need not necessarily be a Civil Servant, but should be the ablest and most experienced man who could be selected for the purpose, whether in the service or out of it. The handsome salary attached to the office would permit a man, whatever his calling, to leave his own business and Presidency, and to devote himself exclusively to the business of legislation; and the principle of representation might be indefinitely enlarged as the

progress of the country required it, so that ultimately there should be an imperial Parliament in Calcutta, of which we possess already the germ. The member for each Presidency would be kept constantly instructed and informed by his own constituents, who, as a general rule, would prepare the drafts of such acts as the Local Council deemed necessary for the territories under its control; and these drafts, settled by the law officers, and approved by the local Government, would be forwarded to Calcutta for further debate and promulgation or rejection, as the case might be. I am not one of those who cry, with Lord Dalhousie and Lord Canning after him, "India must be governed as one Empire," especially in the matter of legislation; and I think we have felt sufficiently the evils of passing general acts for all India, which are not adapted to the special requirements and conditions of the separate Presidencies. To instance my meaning by the first act which occurs to mind—that for regulating special appeals. In Calcutta, the Sudder Court consists of five judges; and the Legislature having reference to the state of the Calcutta Court passed an enactment that three judges should sit on the hearing of special appeals. The object was to save the whole Court sitting to hear mere questions of law. But the act applied to all India. In Madras, the Sudder consists of only three judges; so that the object of the Legislature is defeated here, and we have this absurdity, that while three judges *must* sit to decide special appeals, in which questions of law only arise, two may dispose of general appeals, in which questions of law and fact are opened up! The carefully drawn drafts of the police and municipal acts, settled by myself in consultation with the Chief Magistrate, approved by the Advocate-General, and recommended by the Madras Government, were so altered by the Legislative Council that I scarcely knew them again.

But the legislative power is so essentially a distinctive mark of the supreme power, that I think it would be better to have one Council sitting in the central seat of Government, than that each Presidency should have its own legislative machinery attached to it, care being taken that the interests of each are duly and ably represented, and that the requirements of any *one* are not overlooked and confounded by subservience to a vain theoretical principle, which, I believe, has its origin in the desire of the Calcutta

Civilians to centralize all authority in their own hands; and hence the cry, so agreeable to the ears of despotism, ambition, and selfishness, that India must be governed as one Empire.

At the same time the constitution of the legislative assembly requires alterations. The enormous salary paid to the professional legislative member of Council—£10,000 a-year—might very properly be retrenched. The fact is, this office is a relic of one of the grossest Whig jobs ever perpetrated, which has cost the country some £350,000, and not even yet given birth to the "code" so long ago expected from it. Lord Macaulay and other unpractising lawyers have drawn enormous salaries from this office for the last twenty-five years; yet, if we look for results at all commensurate with the outlay, we shall be literally astounded with their meagreness. Beyond a few reports drawn up from time to time, and the draft of the criminal code, refashioned by Mr. Bethune, there is literally nothing. The codes of procedure, civil and criminal, which it was proposed to pass at the granting of the last Charter, when the amalgamation of the Courts was held out as a settled measure, were prepared by an unpaid commission sitting in London, within a very reasonable space of time; but they have not yet been passed, and the promised amalgamation seems fairly shelved.

But one danger in forming the Legislative Council seems to have been entirely overlooked, and it is to this that I desire to call attention. It has become a mere body for registering the edicts of the Governor-General.* The Chief Justice and one of the Puisne judges were appointed members of the Council, in order, as I suppose, that they might be a certain obstructive force and check upon the unconstitutional tendencies of a despotism.† The Governor-General possessed the power of

* The "Friend of India" says, that if the Governor-General were to order the Legislative Council to declare every European in India answerable to Mahommedan laws, the legislature would do his bidding without demur.

† A man of the most liberal ideas might prefer to live under a despotism rather than any other form of Government, provided the despot were all wise, all good, and all prompt,—for that would be the rule of God; but it is because men are fallible, and the best ruler is but a happy accident, that society is compelled to take such guarantees as it can for the maintenance and preservation of its liberties, as against those to whom it commits the task of governing.

calling into the Council two persons in the Civil Service;* but it is superfluous to say that it has not been exercised. The professional legislative member, Mr. Peacock, a hard-working special pleader, is not exactly the description of person to step at once into the difficult post of legislator for India, however neatly he may draw the acts determined on. New to the country, ignorant of the languages, unacquainted with the people, his important functions shrink to the comparative insignificance of advising on dry legal points, and the almost mechanical labour of the draftsman. I never had any confidence in Mr. Peacock as a check upon the Civilian's Government; his position brought him too closely in contact with the Executive; he has a seat in the Executive Council indeed, and I never can forget how he exercised his ingenuity in straining a point to enable the Government to palm off the fraud of a five per cent. loan, under the name of a "public works loan." But the other lawyers have proved themselves, in my opinion, oblivious of the object for which they were placed in Council; let us hope from an overpowering, though mistaken, sense of the paramount importance of supporting the Government at all hazards, at such a crisis as the present. Let us remember how the Press Act† was passed without a word of dissent or argument; how some forty minutes were sufficient to shackle us with that measure; not a voice being raised to point out the fallacy of Lord Canning's reasoning, the absence of necessity for the measure, its many evils, and its little good. So, again, a whole body of the most highly penal acts‡ was passed without an observation. When the whole of the North-West provinces were in a blaze of rebellion, the simplest and the most constitutional mode would have been to have declared martial law, and a few§ of the inhabitants of Calcutta at one time actually petitioned Government that this course might be taken, as they preferred falling under martial law itself, to the danger of such provisions as had become the law of the land. But this would not suit the policy of the Civilian's Government. They had, to use the words of the "Times," "the wish to make something less

* 16 & 17 Vic., c. 95, s. 22.

† Act xvi of 1857.

‡ Acts xi, xiv, xvii of 1857.

§ The petition was only signed by 270 persons.

than revolution out of the matter, and to preserve their own privileges and functions as far unimpaired as may be;" and the proclamation of martial law would have been a signal admission of the helplessness of the civil power. Therefore Acts xi, xiv, xvi, xvii were passed. They invest the judges, and any commissioner whom the Government may appoint, with the most unlimited power, even of life and death, without an appeal; their only merit is that they are temporary. Lord Harris has extended them to the Madras Presidency—a pretty conclusive proof of his estimation of the loyalty of the people; and I will undertake to guarantee, that a mass of oppression and injustice scarcely credible has been wrought under colour of these Acts, if only the records of the various cases are hereafter submitted to any instructed judgment for perusal. In Madras, our last-named Member of Council has been appointed from the Sudder, and he is even now knocking over judgment after judgment; I believe scarcely one can stand.* These acts give the fullest scope for the action of that Civilian's hobby, "patriarchal justice," which merely means that men without an inkling of the principles of jurisprudence, innocent of any acquaintance with the elementary law of evidence, utterly mistaking the principles of "equity" (which has to answer for a multitude of sins), without practical forensic experience, or any special training, may, in each individual case, do whatever they like, without question or any check whatsoever. Yet these acts were passed by the Legislative Council without a dissenting voice. The worst case, however, remains to be noticed. When Lord Elphinstone set the law at defiance at Bombay, and having illegally arrested one Luxumon Dejah, refused to pay obedience to the legitimate authority of Her Majesty's Court of Justice, and, to cover his act, had recourse to what the Chief Justice termed a "transparent device," by making a gentleman, who happened to be a Mofussil judge, apply his official seal to warrant the detention of a person against whom no complaint was pending in his Court; and when the Governor of Bombay resisted, by an armed force, the execution of the Queen's writ, it only required a little play of the telegraphic wires to procure an *ex post facto* law, which, at the same time,

* An order has been issued since this was written, prohibiting the trial of ordinary offences under the commission.

deprived the natives resident within the jurisdiction of any of the Supreme Courts of the protection and rights which they had hitherto enjoyed! There was not the slightest plea of necessity here; the Supreme Court would have decided the case according to law. Already, in Madras, two Mussulmen who had been surprised in sticking up seditious placards, had been committed to the sessions, found guilty, and sentenced to transportation for life. In Calcutta, the rule *nisi* for an *habeas corpus* to bring up the King of Oude has been discharged by the Supreme Court, upon cause shown by the Advocate-General; and if there was a chance of the prisoner at Bombay escaping, because he was not legally arrested, the Government might have watched him from the door of the Court, and an Act might have been procured which should prevent the possibility of similar inconvenience for the future. Thus the supremacy of the law would have been vindicated, and the indecent spectacle of the executive setting itself above the law have been spared. The full importance of this affair may perhaps be overlooked. Arbitrary illegality, in times of trouble, is reckoned independent vigour, but it is in such times that liberty too often receives its deadliest wounds. In India we have so little liberty that we may well be jealous of its preservation; and the readiness with which the Legislative Council passed an *ex post facto* law, at the bidding of the Supreme Government, makes us tremble, lest any illegality which the executive may commit hereafter may be thus covered and solved by the legislature. The only observations which were made by the lawyers fell from the Chief Justice, who introduced a proviso for the exemption of the British subject from the operations of the law, not on first principles, but out of deference to popular clamour, and apprehension of what might be said in Parliament. This act has shaken all confidence in the Legislative Council, as at present constituted. The functions of the two component parts of the administration are inverted; and the Supreme Government is only rendered the more irresponsible and despotic by having so pliant a body at its back. Formerly, when the Executive had to pass laws, as well as to carry them into effect, there was a pause before altering a law, merely because judicial construction had placed upon it a meaning not palatable to the Government. The alterations would then too manifestly proceed

from questionable motives and with an interested intent. The Governor-General shrank from interposition which could not but attract odium to himself. Now, there is the semblance of a distinct body, supposed not to be influenced by any such considerations; and it is an easy and uninvidious course for the Governor-General in his Executive Council, with Mr. Peacock by his side, to direct what measures Mr. Peacock shall propose for the Legislative Council, and there introduce and support. The result is obvious—a powerful instrument has been fashioned to further the despotic Government, instead of a check upon its action; and I am satisfied that it will be necessary to reconsider the present state of the Legislative Council. The infusion of some really independent elements into its body seems not only expedient, but indispensable. Its basis already requires widening, and I know no good reason why the various interests in India—the native as well as the European—should not be represented there. The presence of some of the leading mercantile men would save the Council from such gross financial blunders, as the introduction of the Indian copper currency into the Straits settlements, against which the population of those places has successfully appealed. A native would be not only more useful in the Legislative than in the Executive Council, because it is there that his knowledge of his countrymen would be most effective, but it is there also that he would be viewed with less jealousy by his fellow-countrymen; and I know of no other step whereby we can so effectually convince the natives of our desire to let them share in the administration of the country.

CHAPTER VII.

Topic 12th.

XII. Shall we continue our annexation policy? 1st, as to Princes —2nd, as to Zemindars—3rd, as to Enamdars.

Not much can be necessary on this topic, for, as far as I can gather from all quarters, public opinion is unanimous now in favour of its abandonment. Its iniquity is seen through, so is its folly; and whatever may become of the cases that have already occurred, it requires perhaps but little prescience to foresee that no fresh cases will occur hereafter. Indeed, so far has opinion gone in this respect, that a Captain Rolland, at one of the Court of Proprietors, actually proposed, at a meeting of the Court, to restore the kingdom of Oude to its former owners, and very recently, at a time when Lucknow was the centre and focus of rebellion, Lord John Manners has expressed the same opinion. It would not be hard to show that every case of annexation, from that of Scinde down to that of Oude, has been most manifestly unjust; and as manifestly impolitic. But for our views in respect to Affghanistan and the Punjab, the occupation of Scinde would not have been necessary; and although the Seikhs invaded our territory, and set the stake of their kingdom on the hazard of open war, Captain Cunningham's work and other reliable sources teach us that the event was brought about mainly by our own manœuvring; and but for that insane lust of dominion which has marked our encroachments on the map of India, stimulated perhaps by a little Russo-phobia, we should never have commenced a policy of annexation which has proved so lamentably fatal to us. The late Mr. Sullivan, indeed, went so far in his opinion, as to counsel the delivery back to the several despoiled potentates of the countries we had taken from them. When he

enunciated this before the Parliamentary Committee of 1852-3, one of his cross-questioners thought he had effectually posed the witness by asking where we should stop? The query was either a very innocent or a very malicious one. It was either a sneer or a most damnatory admission. But it seems to me, that we cannot look at the abstract justice of these acts now. Bad as our conduct may have been in the original taking, time has so far sanctified the political fraud, that he would be an enthusiast who recommended the dismemberment of the territories now incorporated with our own, however unjustifiable our first intermeddling in their affairs; who could now dream of restoring Scinde, or the Punjab,—the annexation of which last, by-the-bye, to have been justifiable, should have taken place at the conclusion of the first Seikh war, and not of the second, when the minor king was not responsible for the acts of his rebellious subjects. Oude stands upon a different footing. The persons immediately about the king, beyond all question, have been implicated in the insurrection which was intended to wrest the empire from our hands. Whether the king himself is a guilty party, remains to be proved. Now, however good a case the king might have been able to make out, had his claims to restoration been laid in a peaceful manner before Parliament—not that this kingdom would ever have been restored—our injustice was of too gigantic a nature to be acknowledged, so long as there is apparently one code of morality for nations and another for individuals; it cannot be denied that the question has been placed by the whole people of Oude upon a totally different footing. The Nation has chosen to resort to arms as the simplest means of trying the right, and if they are worsted they cannot complain that we pursue our victory to its legitimate consequences. We shall be in by a new right—that of conquest; and we must convince the Asiatics of our invincibility. They would laugh at our beards if we were to restore the kingdom of Oude under present circumstances. They are quite incapable of comprehending the principle on which we should be acting. They would impute it to fear and weakness. We should be losers instead of gainers in the estimation of the millions of the East. We shall sow the seeds of future insurrection, if it is seen that we do not exact the full penalty of revolt when we have to put it down. The idea is

purely quixotic; the deed would be incompatible with our safety. No man holds a more thorough conviction than I do of the gross injustice, and, at least, equal folly of the aggressions made against the kingdom of Oude, on the most miserable false pretences; yet even I, and those who think with me in respect to Lord Dalhousie's annexations, would never counsel so fatuous an act as the restoration of Oude. We have covered ourselves with disgrace, it is true, in the eyes of Europe, by our violation of those principles in India which we are ever so strong and ready to maintain in England.* Do not let us, in addition, excite the dangerous contempt of Asia.

So also, with regard to those cases which have been discussed and settled definitely by Parliament, "rightly or wrongly,"—such as the claims of Sattarah, Ali Moorad, and the like. It is too late now to interfere. The account is closed; judgment has been given against the plaintiffs; it may be erroneously in respect to law, or fact, or both; but "interest rei-publicæ ut sit finis litium;" it is not expedient to open up those affairs again. Let us seek to make what amends we can, by accepting the situation into which

* Since the commencement of this work, Lord Canning has issued a proclamation to the people of Oude, in which he states, "*This resistance, begun by a mutinous soldiery, has found support from the inhabitants of the City, and of the Province of Oude at large.*" He then announces perhaps the most astounding revolution on record, with the exception of five individuals, the right of every proprietor in the soil is confiscated! What the people of England will say to such a sweeping measure of injustice I scarcely like to conjecture. Let the reader contrast Lord Canning's *manifesto* with that of Lord Dalhousie, just two years ago. Then it was insisted with much reiteration that the King had failed to "protect the lives and properties of the people of Oude," that though for fifty years the British Government had laboured "earnestly and perseveringly for the deliverance of the people of Oude!" yet that "the people of Oude are still the victims of incompetency, corruption, and tyranny, without remedy or hope of relief!" and that, finally, the British Government "put forth its own great power on behalf of that people, for whose happiness it more than fifty years ago engaged to interfere." Well, two years have passed since the paternal annexation of Oude in the name of the people, and we have before us another proclamation. Does that sum up the blessings which the change has showered on a grateful people? does it speak of the security of life and property introduced by the British rule? or does it expose the sham and pretence on which the seizure was made? Does it not testify to the rising of the entire people as one man, to thrust us forth from among them? and such has been the nature of the protest they have entered against our acts, that it is deemed a "just retribution" to confiscate the entire proprietary right in the soil! What a commentary is the latter on the earlier manifesto!

we have thrust ourselves, with its duties as well as its rights, and the practical determination to give our new subjects no cause for regretting their old rulers. Sattarah, Jhansi, and other States have, moreover, forfeited all claim to pity by taking advantage of our time of trouble and peril to rise and plot; even, in some instances, most treacherously to murder our fellow-countrymen and countrywomen.

But there remain yet certain cases, the merits of which have never yet been mooted, except, indeed, in the private rooms in Cannon Row and Leadenhall Street. These cases, it is fitting, should be fully inquired into, and if the appellants can convince the English public that their property has been taken from them in defiance of law, treaties, and pledged faith, justice should be done, and they be remitted to their dignities and allowances. Such are the cases of the Nabob of the Carnatic and the Ranee of Tanjore. The particulars of those annexations are detailed in the "Rebellion in India." They can only be regarded as barefaced robberies, without a shadow of justification, or a reason which can stand public investigation. The parties have furthermore gained for themselves the strongest possible claim to a full and patient hearing, by their loyal and peaceful bearing throughout the whole of the past year, although there was so great temptation to rise against us. These dignitaries afford us precisely the opportunity we should most anxiously covet, of inaugurating the accession of the Crown to the actual Government of the country, by some signal mark of justice, which all the nations must see, all must understand, and none could mistake. Restitution in these cases would not be imputed to fear. The dignities are merely titular; the possessors have no subjects and no territory. Opposition is known to be impossible. No man could be injured by the recognition of these titles and the restoration of these revenues. There is not an inch of land or a unit of humanity to be affected by the "blessings of English rule." The questions, in point of fact, to be decided are mere money questions. In consideration of our promise to pay to the former occupants of the thrones, and their heirs and successors, certain annual stipends, they, on their parts, assigned over to the East India Company and its successors the whole of their territories in perpetuity. The simple point is whether

there still lives such an heir as satisfies the terms of the agreement?

Now in the case of the Nabob of the Carnatic, it is admitted that there is an heir by the East India Company; but they have deprived him of his rights, because, they say, that the last Nabob made a disreputable use of his dignity, and because the treaty is purely personal; three descents were cast under it, at any rate without objection; and as to the point of heirship, it is thus that the Directors have themselves acknowledged the fact. Speaking of Prince Azeem Jah, the uncle and guardian of the late Nabob, and Regent (Naib-i-Mooktear) during his minority, the present claimant of the Musnud, and, according to the Mahommedan law, the lawful heir and successor, whose grandfather, father, brother, and nephew have all reigned, they thus express themselves*:—

"We disapprove of the principle of this arrangement, but under the peculiar circumstances of the case, the Nabob being an infant and in delicate health, and the Naib-i-Mooktear *being the next heir in case of his demise*, the appointment of Mr. Scott admits of justification."

In 1843,† the Marquis of Tweeddale, then governor of Madras, thus again expressively recognized Prince Azeem Jah's right to succeed the Nabob on his death:—

"The Most Noble the Governor in Council is of opinion that the individuals named in the margin have no claim to the Goolam Moortoozah Khan, } privilege of exemption from juris-
Syed Curreemoodeen, } diction of the Supreme Court, and, accordingly, directs that their names be struck off the lists received with the foregoing communication.

"His Lordship in Council observes that H. H. the Prince Azeem Jah Bahadoor, the late Naib-i-Mooktear, does not hold the place in list No. 1 to which he is entitled in consideration of the position he lately occupied in communication with the British Government, *and of that he still holds in relation to H. H. the Nabob and to his succession to the Musnud.* It is therefore resolved that the name of Prince Azeem Jah Bahadoor be placed

* A Court of Directors' General letter in public department, as to the appointment of Dr. Scott to be physician to the Durbar.

† 29th September, 1843.

in the first list of male relations of H. H. the Nabob; in other respects, with the exemptions above recorded, the revised lists proposed by H. H. the Nabob of the Carnatic appear to require no modification."

From these quotations it is abundantly clear that, up to a comparatively recent period at any rate, no notion was entertained of depriving Prince Azeem Jah of his rights on the ground that he was not the heir, and that the treaty was purely personal. Nothing short of the annexation mania of Lord Dalhousie could have imagined such an open robbery, in spite of treaty, law, fact, reason, public faith, honour, and honesty. Nothing can be more lamentable than the present condition of this unfortunate prince; stricken in years, bowed down with shame and mortification, steeped to the lips in poverty, he has still had the spirit indignantly to refuse to receive the pension which the Company has condescended to offer him out of "its mere grace and favour." He is miserably poor, indeed with scarcely means to keep body and soul together, and yet neither threats nor solicitations* have been able to induce him to submit to receive at the Company's hands as a pension what he knows is his by right; the bitterest poverty is preferable to such degradation, though his submission would restore him to temporary affluence. The treatment of every matter arising out of this scandalous theft is a disgrace to all concerned in it.

The Government, which has seized the Nabob's share of the revenues of the Carnatic, has not paid one of his debts, nor instituted any inquiry into them. A commission, it is true, has been appointed, but no act has been passed to invest the commissioner with the necessary powers. These gentlemen enjoy a salary of 700 rupees a-month each; they have been two years working out the cook's accounts, while the creditors, clamouring for payment, have been soothed and put off by the Government solicitor with assurances and promises of a speedy settlement. At last actions were brought; the various houses of the late Nabob are put up to auction; writs are issued against

* The reason of the Government's anxiety that the prince should take his pension arises from the fear lest the withdrawal of so large an expenditure among the Mahommedan inhabitants of Triplicane should engender disaffection, and end in outbreak.

the person of the prince. The Government applies to the legislature for a protecting act, and one is passed accordingly in a few minutes, though nobody can understand it. The widows of the Nabob oppose the purchasers with the strong hand, and it is only at the eleventh hour, when matters have been permitted to reach this point of scandal, that a bill is introduced by Mr. Peacock in the Legislative Council, which promises a fair adjustment of the Nabob's debts.

So stands the case of the Nabob of the Carnatic. The Ranee of Tanjore stands in a very different position to what she did when I last wrote. The suit brought by her in the Supreme Court to establish her title as "heir" to the rajah, and her right to the whole of her husband's property, which the Company had seized (some £700,000, as she estimates it), has been decided on all points in her favour. The erroneous idea that a woman cannot succeed to the raj was refuted incidentally at the trial, by the production and establishment in evidence of family records and pedigrees, by which it was clearly shown that a woman in this very family, one Soojan Bee, had succeeded to the raj on the death of her husband, Bava Sahib, the fifth rajah, and reigned, as his widow and heir, in her own right! Against this decree the Company has appealed to the Privy Council; and in the appeal they upheld all the acts of Mr. Forbes, the president, who seized the private property. This, they say, was an act of State ordered by the Directors, sanctioned after completion by the Government of Madras.*

The Ranee and her family have been most loyal throughout the rebellion; the disbanded sepoys of the rajah's regiment volunteered their services to go when and where the Government might direct; and the family is fully entitled to obtain its reasonable request, that the Ranee's claims may receive a full, open, fair investigation before Parliament or the Privy Council.

But the savage "Earth-hunger" which characterizes the Com-

* I hear, however, that the Directors repudiate Mr. Forbes's act, saying, that he acted on his own responsibility; that they never contemplated the seizure of any private property; and that they are the victims of his rash haste and mistake; if so, at the same time that they knock down their agent with the one hand, they pick him up with the other, for he has just received one of the highest rewards which the service has to offer, that of member for Madras in the Legislative Council at Calcutta!

pany must cease altogether. I have shown before how it stops not with the kingdoms of potentates; but swallows up every large estate in the empire, by the absorption of the great zemindarries; while no patch of land, however small, is too insignificant to escape their greed. The resumption of enams is the result of this craving in its lowest appetite.* But example is better than precept; *Segnius irritant, &c.*, and I will therefore lay before the reader a few instances of undoubted fact, furnished me by a civilian, lately retired, from his own experience; and I shall use his own words:—

"Meet a ryotwar Collector in his own house, over his hospitable board; he will admit that the sale of a great zemindarry which he had just achieved was brought about by dexterous management, that the owner had been purposely permitted to get into the meshes of the Collector's net beyond his power of extrication; that the sale could easily have been obviated, nay, perhaps, was uncalled for. He will not deny that the unconditional sale of an ancient zemindarry entire for a small balance of taxes, when the subdivision and disposal of a part would have met every requirement, is a questionable transaction, barely honest. He will hear, without offence, an unprejudiced person stigmatize the purchase by Government of an ancient patrimony, sold thus, in the aggregate, without necessity, as a robbery, as spoliation under the pretence of law; but he will excuse himself by saying, that it was the anxious desire of the Government to obtain possession of the zemindar's inheritance, and he will congratulate himself by stating that the cultivating classes, at all events, will be benefited; that it was well to do a little evil that good might come.

"If example be asked for, many cases might be cited, extending over a long course of years. Twenty years ago, the Chocumputty zemindarry, in Tinnevelly, being in arrears to Government, was advertised for sale. The owner, to arrange a settlement, voluntarily came to the collector's head-quarter's

* It has been suggested to me that there is no reason why zemindarries and enam lands should not be subject to the penalty of sale when their proprietors fall into arrear. But the answer is clear. Enams pay no rent; and my complaint is, that the Company is disturbing old possessions by resuming them on the score of want of title, while, as to zemindarries, I maintain that the facts, now about to be given, disclose the existence of a settled policy to destroy and weed out the old nobility from the soil.

station. Some days before the date of sale, while there residing, he was seized, and placed in confinement under the provisions of an absolute criminal regulation. No specific charge whatever was brought against him; the collector and magistrate merely reported that he was a 'thoroughly worthless and good-for-nothing fellow,' and the governor, Sir Frederick Adam, supported the local official, and ordered the man to be removed to Trichinopoly for confinement, where the ex-zemindar now is, unless he be dead. The revenue sale proceeded on the day fixed; the treatment the zemindar had met with deterred any banker advancing money to pay the arrear. Government was the only bidder, and an estate was thus obtained for absolutely nothing, which yields, I believe, a clear surplus revenue of 30,000 rupees, per annum.

"The Woodiagherry Jaghire, worth 80,000 rupees a-year, in Nellore, was confiscated in even a more summary manner, without a shadow of justice, and without even the form of law. The Jagheerdar was accused of treasonable practices in conjunction with the Rajah of Kurnool, at a time when a perfect panic reigned in Madras of Russian intrigue. A commissioner was sent to enquire into the truth of this man's alleged treason, who, without seeing the Jagheerdar, or hearing his defence, or telling him of what he was accused, reported his sentiments to Government. The Jagheerdar, a Mahommedan nobleman, and a man of seventy years of age, was then seized and confined for life without trial, and his estate was confiscated. Every inhabitant of the Nellore district knows that the charges were false, and the commissioners in Kurnool, at that day, were both perfectly satisfied that the documentary papers, on which he was condemned unheard, were palpable forgeries. Thus, however, a great estate was obtained, and an old native family was ruined, while the collector congratulated himself that the escheat was a profitable one to the Government, and that the confiscation enabled him to foster the poor ryots. No district under the Madras Presidency is more wretchedly administered under ryotwarry Umanee management than Nellore.

"In Guntoor, in recent years, the Vasareddy estates, with an annual dowle of six lacs of rupees, were sold in the gross for 5000 rupees, for a balance created by the mismanagement of the officers of Government while the estates were under

legal sequestration, owing to a disputed title. In Masulipatam, three years ago, the Nedadavoola estates were sold for about 12,000 rupees at a mock auction, the worth of these being, perhaps, 30,000 rupees a-year. In Vizagapatam, some years back, the ancient zemindarry of Golugondah, which yields about 10,000 rupees of clear surplus annually, was sold and bought by Government for £10 sterling. The Collector who sold, and the then Board of Revenue who authorized the sale, advised its being restored to the member of the family who seemed best capable of administering the zemindarry, but the Government said it was a valuable acquisition, and desired that the subject of restoration should, on no account, be ever entertained. The numerous members of the family, so plundered, were accordingly left to shift for themselves.

"In Ganjam, only last year, the ancient zemindarry of Hautghur, was, in like manner, confiscated. The zemindar, who is weak in mind, had entrusted his zemindarry, with a small reservation, to an influential and wealthy person, who bound himself to pay the peshcush, and to account for the profits. He, purposely, in the last year of his engagement, swept into his own pocket the resources of the zemindarry, and withheld the Government dues. The agent to Government took no heed of his proceedings, but winked at them, and advertised the estate for sale. When the day of sale arrived, the Government agent bid as far as 120,000 rupees for the estate, but, much to his dismay, farther biddings were made, and, in despair, he adjourned the sale two or three times from no ostensible cause. On the fourth day, the Government agent suddenly came to office, and knocking down the estate to the vakeel of the Cullicote zemindar for 162,000 rupees, he demanded the deposit of 15 per cent. agreeably with the sale advertisement.

"The agent of the purchaser said he would make the deposit if he were allowed to go for the money, and when this was refused he brought to the notice of the Government officer the fact, that the zemindar had a large amount of Government paper in the Collector's treasury, which might be held as security for the production of the deposit; but the Collector was inexorable, and demanded the instantaneous production of the rupees. This not being complied with, he declared the bidding void, and, as

the next highest bidder had, in like manner, neglected to bring, on the evening of the fourth day, the deposit money in cash along with him, the Government offer of 120,000 rupees was declared to be the only *bonâ-fide* one, and the State was thus made the purchaser of the Hautghur zemindarry for one-sixth of its real value. Messrs. Dodson and Fogg might have learned something in the way of their profession by a visit to Ganjam.

"This extravagant and outrageous proceeding was, after a year's correspondence, disapproved of by Government. The Governor's agent had acted somewhat indiscreetly in his zeal for his employers, and it was found politic to disclaim the purchase, and to hand the estate over to the Cullicote rajah, on his completing the purchase-money. But the mind of the Government, in crushing the ancient native families in Southern India, was fully exemplified by the acts of the authorities on this occasion. The principal performer was not a young officer, but an old experienced hand of thirty years' service, who knew what was pleasing to men in authority; and his immediate superior, the revenue commissioner, sanctioned and approved of the proceedings. In private life, such sharp practice in obtaining possession of an estate as was evinced in securing Hautghur for Government, would send a party concerned into disrepute; but gentlemen, in public matters, will say and do things which they would scorn to think of in the ordinary transactions of private life.

"The ruin of Hautghur was the more discreditable to the Government that permitted it, because the default was not wilful, and because the zemindarry is situated in a non-regulation district, specially exempted from the provisions of the ordinary regulations, where the revenue sale law, therefore, did not hold. The extinction of the zemindar was a most ungracious proceeding, too, for the family thus despoiled had done the State good service not many years back, during the insurrectionary movements in Goomsoor. There was not the slightest necessity either for proceeding to sale, for the default itself could have been prevented, if the Governor's agent had acted with proper vigour, and interfered, as he should have done, to save the zemindar from spoliation.

"In Vizagapatam, in 1854, the same game was played in

respect to the Madagole zemindarry. This estate is worth 30,000 rupees per annum, and the zemindar owed the Government the sum of 20,000 rupees. Mr. Robertson, the governor's agent, who had a foolish disinclination to destroy, without necessity, a family which had held a distinguished position in this country for some centuries, proposed to administer the estate for the zemindar, whose eccentricities and weakness of mind were notorious, but the commissioner would not listen to the proposition. The agent then observed that the sub-division and sale of a few villages would meet the Government demand; but this course was equally distasteful to his superior in office, who authoritatively reminded Mr. Robertson that it was greatly desired that the entire estate should be acquired by Government, and the sale of a property worth, say, four lacs of rupees, was thus insisted upon for a balance of twenty thousand only. This transaction also occurred in a non-regulation district, where the sale law does not hold good, but just as the sale was imminent, some friends of the zemindar's family obtained sufficient money, by loan at 18 per cent., to meet the present demand, and the sale was stayed.

"It may appear wonderful that a man in possession of an unencumbered estate of £3,000 a-year is so situated as to be unable to borrow a matter of £2,000; but the reason is simply this,—Madagole is what is called a hill zemindarry, and in the state of society that exists there it is not possible for any banker, merchant, or native monied capitalist to obtain possession and manage the property; the partizans of the old family would soon make the place too hot for the intruder, and the Government, with the power of its resources at command, is alone able to administer such a zemindarry. When to this it is added that the owner is of weak intellect, and when, besides, the Government officials are watching for any opportunity to sell him up, it is evident that loans to such a person are perilous operations. It would be very different if the Government would act towards such landlords in good faith; if they would step in, as they are entitled to do, and take the management of a great estate out of the hands of an incapable proprietor, or appoint curators, or interfere as the Lord Chancellor in England would interfere, in the case of a lunatic or of a landed proprietor of weak

mind. But this is the last thing that most Madras officials would permit; their desire is to extirpate all private property in the soil, and whenever such a course is feasible they fulfil their mission without compunction.

" In January, 1855, the commissioner for the suppression of Meriah sacrifice in Orissa, and one of his assistants, visited Jeypoor. The control of the zemindarry was not within the scope of their duties, but as these gentlemen remained in that country for many weeks the state of affairs there became known to them. They represented to the Supreme Government that the practice of suttee was not unfrequent, that there was no police authority in the zemindarry, and that grave crimes and misdemeanours were of constant occurrence. As a remedy, they advised the removal of the zemindar, who they reported to be childish and old; confiscating, as a matter of course, his possessions, and giving him a pension for life. This summary method of disposing of an inoffensive gentleman is quite refreshing; this, indeed, is vigorous Government. The state, which by law is bound to repress crime throughout Jeypoor, neglects its duty, and it is then hounded on by its own officials to suppress the oldest family in the Northern Circars, on the frivolous pretext that the head of this family is old, and has failed to do that which the Government itself had undertaken to perform. The recommendation to confiscate property to the extent of £15,000 a-year, is disposed of in a couple of lines. What matters it? The land belongs to a black, and it would be a nice little acquisition to the Government.

" This report having been sent to the Madras Government, it was suggested by the local officers that the long and discreditably neglected duty of maintaining an efficient police force in Jeypoor should be at last undertaken. An addition to the armed sebundies of Vizagapatam was necessary to this end, and it was proposed to locate a body of this force, with an officer to officiate as magistrate, in the very considerable town of Jeypoor, the capital of the zemindarry. It was also pointed out that this officer, if need be, might assume the fiscal administration of the zemindarry for the incompetent old gentleman, and put his affairs in order, in which task he would have the entire support of the people at large. There was not the slightest difficulty apparent in the matter. The Madras Government at once acquiesed in the pro-

priety of this policy, but as its adoption involved an increased constabulary charge, it was necessary to refer the matter to the Supreme Government for sanction, and Lord Dalhousie at once over-ruled the proposal. He said the zemindar had promised to put down the practice of suttee, and that it would be well to wait, and see whether he did or did not. The other grave misdemeanors and atrocities brought to notice he thought were exaggerated; and, on the whole, he saw no sufficient grounds for interference. His lordship also significantly observed, that if the Government did interfere, it must be once and for ever. The plain meaning of this is, the pear is not quite ripe, the sick man is not yet *in extremis*, but in a little time, upon a proper representation, confiscation will be had recourse to. At the same time it is strictly enjoined that no reform shall be commenced upon; and the responsibility of Government to introduce a police system and to maintain tranquillity, by which alone order can be re-established, is quietly ignored. The Governor-General's admirers consider the observation and annexation of independent kingdoms in the British Indian Empire as the highest proof of his administrative ability; his opponents call his policy detestable and filthy, but this angling for the confiscation of private estates is contemptible petty-larceny in a ruler." *

What an exposure from one of the Company's own servants, and one of the ablest of them, too! How can the people be well affected to us, when they see and feel the effect of such monstrous iniquities as these?

The same spirit cannot but be at work, fermenting among a lower and a larger class still.† In the "Rebellion in India,"

* The case of Lutchmeputty Naidoo, the great Vasareddy zemindar, is told at length in Mr. Mead's work. It reads like a fable, but I can vouch for the literal accuracy of every word of the narrative, having been Lutchmeputty's counsel in the Sudder, and so carefully examined the whole of the gigantic record of the case.

† Here is an illustration strikingly apposite at the present moment on this resumption of enams:—

At the time of the mutiny at Vellore two subadars of a native regiment informed their commanding officer of an intended mutiny in their regiment. This disclosure may have saved India. At any rate the act was one deserving of a mark of Government gratitude throughout all time. Accordingly a grant of "enam" land was given to each of the subadars, one in Trichinopoly, the other in the adjoining district of Madura. In one of these the sons of the subadar are at this moment enjoying the fruits of their father's fidelity; and doubtless it is a source of strength to us at this

I gave at length a native's impression of the Bombay Enam commission; I would now call attention to the evidence of Mr. Wise, before the Lords' Committee, 1852-3, the whole of which will be found at length in another "Topic"; that evidence shows what "a curse and blight" this "resumption law" has proved to the country. All I can add to this is, to set out a petition of one of these enamdars, which may serve as a fair average specimen of the working of this policy, and at the same time expose that delusion—the petitioning system—under which the people suffer, with a patience truly marvellous. Here is the petition:—

"To the Honorable the Court of Directors of the East India Company.

"The humble memorial of Janakabhoy Ummall.

"Respectfully sheweth,

"That the villages which your petitioner now desires to have registered in the name of her adopted son, were enjoyed by her husband's ancestors for several generations, as well before as after the country came into possession of the East India Company, as appear by the second paragraph of the Report of the Collector of Tinnevelly to the Board of Revenue, (copy of which accompanies,) under date 14th March, 1851.

"That upon the country coming into the possession of the Company in 1802, the villages in question were entered and registered in a permanent lease of punns 1288 fanams 4 per annum, in the name of Regoonadha Row, the father of your

moment, when troops stationed in the neighbourhood and the population around can point to the substantial token of what those may look to, who, in a season of mutiny and insurrection, remain faithful to their colours and allegiance.

"This story shall the good man teach his son."

In the other districts matters have fared differently. There, on the death of the subadar, the collector of the day raised questions as to the duration of the grant. The order of Government said nothing about heirs, or perpetuity. It was contrary to mamool (custom) for such grants to endure beyond a certain number of lives. He would recommend the widow for enjoyment of the estate. After her death the Government should resume the grant. There was correspondence between the collector, the revenue board, and the Government. The widow is dead. The last of the faithful subadars' children is a beggar turned out of the land; he has petitioned through the ordinary round, with the ordinary result. What puzzles the unfortunate man is, that in the neighbouring districts he sees a different course adopted with regard to the children of his father's peer. These matters depend much upon the whims of the individual collectors.

petitioner's husband. In 1807 an addition of punns 151 was made, at which rate the said Regoonadha Row, and after him his son, Ramasaurmy Row, your petitioner's husband, enjoyed them after their respective deaths.

" That your petitioner's husband died in the year 1825, having previously thereto, and while of sound mind, verbally directed your petitioner to adopt Sooba Row, then seven years old, the son of her younger brother. That on the death of her husband, the said villages were registered in the name of your petitioner.

" That in 1827 your petitioner, in obedience to the directions of her husband, adopted the said Sooba Row, and bestowed on him the name of Regoonadha Row, after her husband's father.

" From that date the said Regoonadha Row has performed the funeral ceremony of your petitioner's husband, and of such members of petitioner's husband's family as have since deceased.

" That from the period of the said Regoonadha Row attaining his legal age, now some twenty years since, he has been in possession of all petitioner's property, including the said permanently leased villages, and has managed the whole of the family affairs, as is notorious to all the neighbourhood.

" That as a further proof of the *bona fides* and validity of such adoption, the whole property of the said Ragoonadha Row's natural father in his decease passed to his other sons, the said Ragoonadha Row inheriting nothing in accordance with the Hindoo law, by which a boy, adopted out of one family into another, ceases to have any right to share in the estate of his own natural father.

" That this appears by the first paragraph of the letter of the Collector of Tinnevelly to the Board of Revenue, under date the 6th of August, 1851, copy of which accompanies.

" That, as a further proof, none of the remaining descendants of the original grantee in the female line have ever raised any claim to the said property, but that the indisputable right of the said Regoonadha Row, as the adopted son, has been acquiesced in by them up to the present moment, as appears by the fourth paragraph of the letter of the Collector of Tinnevelly to the Board of Revenue, under date the 14th March, 1851, hereinbefore mentioned and referred to.

" That shortly after the death of your petitioner's husband,

when the facts were yet recent, in the year 1829, one Doda Row instituted a suit in the Zillah court (No. 32, of 1829) against your petitioner and her adopted son, claiming the said property among others as the representative of your petitioner's husband.

" That in that suit the right of the said Regoonadha Row was asserted and pleaded by your petitioner; that in the course of that suit questions as to the legality of such adoption were put to the pundits both of the Zillah and provincial courts, and that the responses, in both cases, asserted the right of your petitioner to adopt. A decree was pronounced in favour of your petitioner, against which the plaintiff appealed. The suit was remanded, when it was compromised by razeenamah, in which the right of your petitioner's adopted son to the property is fully acknowledged. Copies of the original decree, the futwah of the pundits, and the razeenamah herewith accompany.

" That, as a further proof of the notoriety with which the said adopted son has always acted in that character, a portion of the estate of his adoptive father was actually continued to him under order of the Board of Revenue; and the first paragraph of the letter of the Collector of Tinnevelly to the Board of Revenue, under date 6th August, 1851, hereinbefore referred to, shows that he was actually in possession of such property, although, it is true, that no questions were then raised as to the fact or the validity of his adoption.

" That your petitioner, in the year 1849, and on the 21st September, being then upwards of eighty years of age, applied to the Collector to have the registry of the said villages transferred to the name of her adopted son.

" That this application was sent to the thasildar of the talook for report, especially with reference to the adoption.

" That in October, 1849, the tahsildar having enquired, reported that the said Regoonadha Row, was duly adopted, and the rightful successor of your petitioner.

" That the Collector, on the 14th March, 1851, wrote, in detail, to the Revenue Board, and applied for their sanction to alter the registry as requested.

" That on the 14th April, 1851, the Revenue Board referred to the Collector for further information.

" That the Collector referred the matter to the said tahsildar for further information on the 23rd May, 1851.

" That the said tahsildar made an enquiry, at which it was proved by six respectable witnesses, who, from their connection with your petitioner's husband and family, were the fittest persons, that the directions to adopt had in fact and in truth been given. That these witnesses were not named by your petitioner, nor was she any party to such enquiry, nor was her testimony called for, and it was, in fact, an *ex-parte* enquiry, behind your petitioner's back.

" That the Collector in his said letter to the Board of Revenue, under date 6th August, 1851, reporting the fact of the enquiry to the Revenue Board, added in paragraph 3, 'I confess the evidence does not satisfy me.'

" That on the 1st September, 1851, the Board of Revenue put their construction upon the proceedings, declaring that your petitioner had failed to establish the order to adopt, whereas, as your petitioner has shown, she was no party to such enquiry, and the whole denial of your petitioner's claim is based on the meagre expressions of the Collector's opinion above referred to, without the least reasons being exhibited for his disbelief of the credibility of the evidence offered, which, it is to be observed, was such as the tahsildar, and not your petitioner, selected.

" That such expressions never can, as your petitioner submits, be of weight against the twenty-seven years' open recognition by all parties of the *bona fides* of the adoption, which has been submitted to by members of the family, one of whom disputed the adoption shortly after it took place, but subsequently admitted it by razeenamah, thereby cutting himself off from all hope of succession; and others, the female branch of the first donor, having tacitly acquiesced in the truth of the same adoption by their silence. The adopted son has been, ever since his coming of age, in open notorious possession and management of your petitioner's property; has performed all the funeral ceremonies of the deceased members of his adoptive father's family; has been cut off from all succession to the estate of his natural father; has been, on one occasion, recognised by the Revenue Board; has been reported on by the tahsildar, after enquiry, as the adopted

son, and by common reputation has been regarded as such by all his neighbours and the world in which he now is.

" Your petitioner would further respectfully beg to point out the extreme hardship of calling for a minute proof of the fact of adoption after the lapse of so many years, when, according to the ordinary course of events, much of the best evidence may have died out, when the memory of such witnesses as survive has become dim, and when the enquiry is conducted in such a fashion as to exclude your petitioner from taking a part in it, and substantiating it by such evidence as she might have had it in her power to tender. That on the 7th June, 1855, your petitioner memorialized the local Government of Madras, praying for the transference of the registry, but that such petition was ignored on account of its being preferred by her vakeel; that she petitioned, in person, on the 3rd November, 1855, when the Government declined to interfere.

" That if it be objected that the Government reserves to itself the right of recognizing or repudiating adoptions in the case of grants of shrotriam, yeomiahs, and the like favourable claims, unless the fact of adoption be notified to the collector of the district six months previous to the decease of the party making the adoption, your petitioner would respectfully call attention to the fact that the notification of this order dates only from the year, 1846, and comes into operation only from the 1st February, 1847.

" That your petitioner's case occurred many years before such order, that is to say, in the year 1827, and that even if the order was silent with respect to cases occurring previous to its promulgation, it could not in reason have any retrospective effect; but the order expressly declares that claims, founded on adoption, which may come under consideration before that date, ' will be decided according to the circumstances of the several cases.'

" It is true that your petitioner's case did not come under consideration before the 1st of February, 1847; but your petitioner submits that the only reasonable construction of this order is, that adoptions not notified to the Collector subsequently to the issue of the order will be summarily rejected, and that it never could be intended, peremptorily, to exclude all old cases, such as that of your petitioner, simply because they did not come under consideration before 1847.

" That the principles to guide the authorities in their disposal of questions like the present have been unmistakeably laid down upon an equitable and intelligible basis by your Honourable Court, and the late Governor-General, the most noble the Marquis of Dalhousie.

" In the political letter of your Honorable Court to the Government of Bombay, under date 26th September (No. 11) of 1834, the following paragraph occurs:—On the subject of adoption, our opinions have been communicated to you in our letter of the 11th June, (No. 8) 1834. We then stated it to be our wish, that whenever the tenure of the estate and the custom of previous Governments are such, that the refusal of your permission to adopt would be considered an act of harshness, still more when it would be considered an injury, the permission should be given; but otherwise not, unless as a reward, marked either by special services or general fidelity and good conduct, and especially by a good administration of the Jaghire.

" In his minute of the 3rd of August, 1848, in the Rajah of Sattarah's case, the Governor-General, with reference to the sanction of the adoption, (paragraph 26,) writes as follows:—' The Government is bound in duty, as well as policy, to act on every such occasion with the purest integrity; and in the most scrupulous observance of good faith, where even a shadow of doubt can be shown, the claim should at once be abandoned.

" On both these principles, that of doubt and merit, your petitioner respectfully submits that her case is one in every way worthy of your benevolent consideration.

" As to any shadow of doubt being shown, the only question is, whether there can, from all the circumstances of this case hereinbefore enumerated, exist any doubt whatever that the adoption is, in every respect, legal and valid; but to put the case on lower grounds, your petitioner would respectfully ask, whether the first terms, in which the Collector of Tinnevelly has condemned your petitioner's case, do not show the existence of doubts, even in his mind, and whether, taking a broad plain sense view of the whole matter, it is not one of those doubtful cases which the late Governor-General had in his eye when giving utterance to the sentiments above quoted.

" Your petitioner admits that the questions hereinbefore,

referred primarily to the subject matter then under discussion, namely, the adoption of children by sovereign princes, but that she submits that the principle involved is precisely the same, whatever is the extent or nature of the estate to which the adopted son is to succeed, and that the same rule should be applicable to the poorest yeomiahoor as to the richest sovereign prince.

" As to merit, your petitioner would crave once more to refer to the Collector of Tinnevelly's letter, under date the 14th March, 1851, (paragraph 8,) wherefrom it will be seen that your petitioner's husband's ancestors have for generations done the State good service, holding highly respectable and responsible situations; that the father of your petitioner's husband served the Company, and received a pension of 50 rupees a month, 20 of which were continued to your petitioner's husband to the date of his death, after which it was discontinued, expressly on the ground that your petitioner held these villages upon a favourable tenure; a fact, of which the Collector put forward to the Board, as your petitioner now does to your Honourable Court, as a reason for taking a favorable view of her application.

" On the whole, therefore, your petitioner, strong in the truth and justice of her case, throws herself with every confidence on the known liberality and benevolence of your Honourable Court, and prays for the poor boon she has so long in vain solicited at the hands of the various authorities in this country. The advantage to be gained to the Company by the resumption of her little patrimony is as nothing to the maintenance of the Honourable Company's name among its subjects for justice and charity, and she prays, in conclusion, that the necessary orders may be issued for the transference of the registry of the villages in question from her name into that of Ragoonadha Row.

" And your petitioner shall ever pray, &c."

No answer has been received to this petition. The widow's mite is perhaps too small to occupy the time of the Directors, though it was not too small to excite the cupidity of their servants.

Let me add another instance which will show what paltry pleas and pettifogging special pleading can be had recourse to for the purpose of turning people out of lands held on favourable tenures. Certain villagers or laman had an Agraháram which they and their ancestors had enjoyed for a period reaching beyond the

Company's occupation of the country. At that period a light assessment had been fixed. The occupants, some five years ago, fell into arrears. The Collector issued a notice on the 14th of January, 1853, that if the arrears were not paid within five days the estate would escheat at the end of the year of grace. *This notice was not served till the 18th of January.* The occupants claimed to calculate the time from the *date of service.* The Collector, however, reckoned from the date of his signing the notice, and the estate was seized at the expiration of the year of grace according to his calculation. The proprietors paid the arrear up within the year from the date of service of notice. They have petitioned the Collector, the Revenue Board, the Government, and now the Court of Directors, for relief against this quibbling and most unfair construction, by which they have been deprived of their estate!

This is all I have to say on the topic of annexation. Is it not enough? In the formula which concludes a Hindoostanee letter, Kear-ze-ardar, what more needs be said?

CHAPTER VIII.

Topics 13th—14th.

XIII. What is required to improve the tenure of land?—XIV. Shall we redeem the land-tax?

"What's in a name?" asks Shakspeare, in one of those paradoxical half-truths which pass current plausibly enough in the regions of poetry, but which cut a very sorry figure when questioned at the bar of sober reason. It might not be difficult to show that *names* have, perhaps, exercised as strong an influence as *things* over the fortunes of mankind; and it has always appeared to me that the name "ryotwarry" is one of those unlucky appellatives which stand for a vast amount of imaginary evils, the bare idea of which has prevented candid inquiry into the thing itself. Mr. Ludlow's excellent work is disfigured by abuse of the ryotwar system; so is Mr. Mead's; and a friend of mine was so prejudiced against it, that he actually declined for some years to be introduced to a gentleman because he was known to be a strong supporter of this tenure!

The ryotwarry tenure of Madras, as it has been worked by the revenue officers, has impoverished the people; though already they are beginning to rise under it to comparative prosperity, now that its fundamental principles are better understood and partially acted on. Some years ago I described it thus:—

"Picture to yourself the position of a man perfectly isolated and protected from all interference on the part of his neighbours and superiors; holding his farm for a certain term at a very easy rent, fixed with reference to the capabilities of the soil and the situation of markets; certain that so long as he continues to pay that rent to the Government, no power can evict him or his children from their holding; with the knowledge that whatever

he can by his capital and labour make out of the land, beyond the Government dues, will go exclusively into his own pocket; and with a power of temporarily diminishing the area of his cultivation with a proportionate diminution of liability, according to the fortuitous variations of seasons and markets. If these be not sufficient conditions to stimulate industry, we may, in vain, seek for others."*

If this be a true description of the theory of ryotwar, I apprehend there are few people who will not admit its excellence; and that it does truly describe it, all that I have learnt and seen since 1854 most firmly convinces me.

The condition of the people of Madras having been shown to be very wretched; and, further, this condition having been arrived at under the ryotwar tenure; nay, in consequence of the fashion in which that ryotwar system has been worked by the revenue authorities, the system itself has been, without more ado, condemned, especially as it is supposed to be something very complicated and difficult of comprehension, instead of being, as it is, the most simple and natural order of things. We have raised the cry, 'away with it,' 'away with it,' instead of endeavouring to ascertain whether the system was itself radically bad, or whether it was in itself good, but had been worked on principles never contemplated by those who framed it, and which were mere excrescences capable of being lopped off. The rush has been to supersede the ryotwarry altogether by some new system; and as the village system of the North-West has been puffed up by the East India Company, the presidency of Agra paraded by them as the "garden of India," and the people there declared to be enjoying a golden age and arcadian happiness, many have jumped to the conclusion that the North-West village system should be transferred bodily to Madras—the ryotwarry having been swept away. These politicians, aiming rashly at a radical universal change, forget that the statesman must deal with things and men as he finds them; and that modification and adaptation are safer tools to work with than novelty and total re-formation.

I beg it may be understood that what I am about to write has

* Letter to the Right Hon. Robert Lowe on the condition of Madras.

reference solely to Madras. In Bengal we have the zemindarry; in the North-West, the village system;* and I should no more dream of suggesting that either of these systems should be swept away, for the purpose of superseding them by a pet scheme of ryotwar, than I should like to see the tenure of Madras set aside in favour of any theory, however plausible. We must work in each Presidency upon the facts we find there; and in each endeavour to amend, rather than abolish, existing practices. Thus, in Bengal we have the much coveted middleman in the person of the zemindar. It is immaterial now to consider whether Lord Cornwallis's perpetual settlement was a mistake, or whether we dealt with the wrong party, and ignored the real proprietor of the soil. The zemindar *has been* acknowledged, and legislation is now taking the proper direction—that of protecting the ryot in his rights, and making him the tenant not the slave of the zemindar. Mr. Currie's bill, which the "Friend of India" affectedly calls the "Ryotee bill," has done much towards this; the praises of this measure have been loudly chanted, though it has entirely escaped observation that it does but clothe the ryot in Bengal with those very rights which the ryot in Madras has always had since 1822,† under the well-abused ryotwarry! So again in the North-West, I shall show that the village system is following the necessary order of things in converting itself into a ryotwarry, and eventually into a middleman system. For the village communities are falling to pieces as society advances; sales in execution, under decree of courts, have everywhere introduced strangers into these "Bayhads;' and these new men, holding direct from Government, are, in fact, ryots as much as the natives in Madras. When these new tenants are wealthy soucars, or servants of the Government, they will not cultivate the soil themselves; they will let out the land

* Perhaps I should rather say we *had*; for what with the convulsion through which society has just passed there, the confessed result of the operation of the courts of law upon the system, and the unfortunate fact that the revenue records have perished, it seems probable that a re-settlement of a vast breadth of country is unavoidable. It may be a curious sight to see whether the re-institution of a village system will be attempted there, or whether a ryotwar settlement must not be of necessity introduced. I incline to think it must, since the gradual decay of the village system in that locality has paved the way for the more advanced system of ryotwar.

† Reg. V. of 1822.

to sub-tenants, and thus the middle class springs up spontaneously.*

Nothing but the stationary institutions of India, especially that of caste, could have preserved the village system so long. Where our administration is introduced, where our courts are established, where enterprize and capital open up the resources of the land, and wealth accumulates among the natives, the village system will gradually and spontaneously melt away; nor would any efforts of ours avail to support it against the necessary consequences of advancing civilization.†

* To fall back from individual tenancies to joint rent holdings is an obvious retrogression. The progress of property has ever been towards holding in severalty; each man, as he becomes more independent, wealthy, and civilized, desiring to be sole lord of his own possessions. In the darkest ages of barbarism, or in the earliest ages of the species, men might herd together for common protection or defence; or the father of a family might gradually draw around him those who became members of the family by intermarriage. In either case, there would clearly exist a common bond of union among all the occupants of the village. The mud wall would limit them from the exterior world; all would be ready for mutual assistance, in case of any marauding incursions on their common fields; all, in short, would be equal; and the very term "Bayhad," or *brotherhood*, which signifies a village, points to this derivation of the joint or village holding. When one powerful enough to subdue the country appeared, all would readily become jointly responsible for their common tribute; and the fact that in the North-West the village system does not admit of the sale of land in execution of decrees of Court, because it necessitates the compulsory introduction of strangers into the Partnership, indicates the same fact. It was the early state of legendary Greece; and curiously enough, Grote, after describing a Greek village, in a fashion which might serve almost without alteration for one in India, quotes Mills' description of an Indian village community as a parallel to that depicted in his text. It is in the ruder times that we hear af Amphyctyonic and Hanseatic leagues; but as human institutions advance, and individual security is felt in proportion to their advancement, walls are thrown down, men cease to plough the field with spear in hand and sword on thigh; the common bond of union loosens gradually, and ere long dissolves. The interests of the individual predominate over those of the community, and a natural selfishness prompts the acquisition of separate and distinct property, with which no one can by law interfere. In other words, the natural tendency of society is from a village to a ryotwarry system, however fondly some may wish us to revert to the earlier and ruder form of union.

† Such is Mr. Halliday's opinion. In 1853 he speaks as follows before the Commons' Committee:—

"From your knowledge of other parts of India besides Bengal, will you favour the Committee with your opinion as to the mode of raising the land revenue: would it be possible to make any alteration in the present system?—I am very incompetent to speak about the Madras system; I have a prejudice against it, and am probably very slightly informed upon the subject; as I have understood it to work, it does not

What we really require with regard to the occupant of the soil is, to give him a simple, secure, and defensible title. Having recognized his right of proprietorship in theory, and in official and State papers, it behoves us to give to every man a document of title, once and for good, which shall be the evidence of his right; and which shall be made as public and notorious as possible, by a general system of registration.

seem to me to be a good system. The system at Bombay I am told works extremely well, but I should not have imagined beforehand that a plan of valuing every particular bit of a field according to the nature of the soil, and then fixing beforehand a rent upon it arbitrarily to last for thirty years, which every man who took that field must pay to the Collector's treasury, was likely to succeed; I am told, however, that it does succeed. The system in the North-West provinces is more generally approved, and has hitherto found more favour, perhaps, than any other system which we have adopted in any part of our territories; but as I understand it, it is open to this great objection, that it is not compatible with an advance in civilization. It can only be upheld by keeping the people in the same primitive state in which they are at present; I am speaking only from hearsay, but I am told that it is impossible to allow land to be used as a security for money, or to pass from hand to hand, as it ought to pass and must pass as the nation advances, because the moment it is allowed in any village settlement in the North-Western provinces, the village settlement of necessity breaks down, and the whole system falls to the ground. If that be the case, the village system is incompatible with a state of improvement and advancement; so that, as far as I understand it, which is, however, only at second or third hand, not having seen it actually at work, the system which certainly has been considered the best has a very serious impediment to its continued good working lurking in its vitals.

"Do you mean to say that a village, the rental of which was 1,000 rupees a-year, could not have money raised upon it to the amount of 2,000 or 3,000 rupees?—No, I have not said so; but I have heard persons who advocate very strongly the village system of the North-Western provinces say, that it was absolutely impossible that each separate proprietor should be allowed to raise money upon his land in the village, or that his property in the village should be allowed to pass from his hands to the hands of any person not belonging to the brotherhood, and that the interference of the courts to enforce any debt, or any transfer, upon those principles, was very much to be deprecated, and ought to be prohibited by law. If that be the case, it is in the judgment of those who know more of the system than I do, and who advocate it, founded on the principle that the possession of land and its transfer must be confined to the brotherhood of each village, and therefore the land cannot be used as a security, and cannot pass from hand to hand.

"Is not that the case partially only, and not universally?—I am not personally aware. What I desire to say is, that if that is the case, it is an objection to the system in my view.

"Your opinion is, that a system like that cannot be permanent in a country which is gradually advancing in civilization?—I cannot comprehend how it is possible that it should be."

I have written a great deal at different times, and through various channels, upon the land tenures of India, and I purpose now, without any apology, to put together the scattered materials which I have collected before me, with scarcely a recast. I shall not stop to consider the zemindar tenure; for no one appears to have come forward with any theory of creating at once a class of middle-men. The tendency of opinion sets strongly in favour of a village or joint-rent system. I purpose to furnish materials for testing the results of this system as they are found in the North-West and in the Presidency of Madras; of instituting a comparison between the joint-rent and ryotwarry systems; and of considering how the ryotwar, which affects some 22 millions of men in the Madras Presidency, can be purged of its errors, and made such as to admit of the people rising under it to wealth and prosperity.

In the first place, does the mere comparison between the Madras Presidency and the North-West, assuming that the Agra Presidency is as flourishing, and the village system there as successful as asserted, settle the question at once in favour of the village system? Does the success arise from the village system, or from other causes independent of the tenure? I have written as follows:—

"It is the fashion to bid us look at the North-West provinces, as though that must peremptorily settle the question between the relative merits of the village system and ryotwarry. The death of Mr. Thomason, we are told, prevented the introduction of a radical change into the Madras Presidency, as though that wise and cautious man's first measure, had he lived to assume the government to which he was appointed, would have been the establishment in Madras of a revenue system which, under his auspices, had flourished so satisfactorily in Agra. If we may judge him by his own words, we apprehend that he would have pursued a very different course.

"Mr. Thomason, we imagine, would have, in the first instance, allowed himself time for extensive enquiry and calm dispassionate consideration; nor if he found the countries of his first and second governments totally dissimilar, would he have looked upon the village system as that which was alone capable of assimilating them. He was far too enlightened a man to put his faith

in any nostrum or infallible specific, and he would not have been blind to every circumstance in forming his judgment except the comparatively insignificant question of the best *mode* of collecting the revenue. His reports show how very cautious he would have been in fitting the Presidency of Madras with any particular revenue system, and though he might have been naturally inclined to favour that form with which he was so intimately acquainted, it would be an injustice to his memory to believe that he was so blinded by his prejudices, that nothing would have opened his eyes to their consequences and defects when attempted to be applied to a totally new state of circumstances. And the result of his inquiries would have been as follows. We find the task ready done to our hand, and shall, therefore, borrow from Mr. Bourdillon's comparison of the Madras Presidency and the North-West provinces.

"'A comparison has sometimes been drawn between the present condition of the two Presidencies of Madras and Agra, as though that decided the question between ryotwar and village settlements; I will, therefore, briefly show how the other things I am now referring to vary in the two cases.

"'The first particular I will notice is the promotion of irrigation. In the Madras Presidency irrigation has existed for many ages, and the former Governments regarded the promotion of it as one great point of good government. Of the whole land revenue of the fourteen ryotwar districts, amounting to about 25 lacks, about 13 lacks is directly produced by the Government works of irrigation; almost the whole of them ancient. For many years after the country came under the English rule at the commencement of the present century, the irrigation was much and lamentably neglected; and it is only within a limited time, and even now on a limited scale, that attention has been paid to it. For many years, not only no new works were formed, but even the ancient works were allowed very much to go to decay. The only exception is Tanjore, where, in consequence of almost the whole revenue being immediately dependent on the irrigation works, they have, of necessity, been always attended to.

"'In the North-West provinces the Government works of irrigation are of comparatively very recent date; but they have been carried on with much vigour. I must compare the ex-

penditure on this subject in the two parts of the empire, conjointly with that on communications and civil buildings, not having the means of showing them separately for the North-West provinces.

" ' The following statement shows in juxta-position the outlay on 'civil buildings, roads, and other public works, exclusive of repairs,' in the Madras Presidency, and in the North-West provinces respectively, during each of the last five years. It is compiled entirely from the financial statements annually laid before Parliament by the Court of Directors :—

	N. W. Provinces.		Madras.
	Rupees.		Rupees.
1847-48	4,23,266	.....	3,52,465
1848-49	19,27,807	.....	2,38,012
1849-50	15,57,774	.....	1,49,194
1850-51	22,50,062	.....	2,33,147
1851-52	25,00,000	.....	2,01,044
Total...	86,58,909		11,73,862

" ' It should be explained that in the latest annual statement, No. 505 of 1853, the amount for the North-West provinces in 1851-52 is given only as the estimate, the estimated amount being 34,91,500 rupees. In the preceding year's statement the similar expenditure for 1850-51 was estimated at 34,45,000 rupees, but the actual was only 22,50,062 rupees. As the expenditure on canals is increasing every year, it seems safe to take 25 lacks as the actual outlay under the head above particularized, in 1851-52.

" ' The foregoing statement does not, however, comprise the whole expenditure on public works. The whole of the outlay on irrigation works at Madras is erroneously classed under the term " Repairs of Tanks," and no part of it, therefore, is separately shown in the accounts laid before Parliament. It contains, however, some expenditure for new works, but I have very good authority for declaring that no more than one-fifth of the amount is of that nature.

" ' Paragraph 77 of the Financial Dispatch of the Court of Directors, given as Appendix 12 of the Report of the Select Committee on Indian Territories, No. 533 of 1852, gives the

whole expenditure on 'Repairs of Tanks' at Madras, in the latest five years there shown, as follows:—

	Rupees.
1846-7	8,42,059
1847-8	12,96,565
1848-9	9,97,254
1849-50	9,70,194
1850-51	9,19,290
Total	50,25,362

"'Four-fifths of this may be taken as the ordinary repairs of existing works, and one-fifth, or 10,05,072 rupees as the cost of new works. The repair and maintenance of the canals in the North-West provinces does not appear in the accounts at all; being, apparently, defrayed out of the canal revenues before they are brought to account.

"'But there is an addition to be made on the other side also. In the North-West provinces there are three separate sources of revenue placed by the Government at the disposal of local committees, for the construction and maintenance of roads and bridges, other than the main lines. Those funds are as follows:—

The road fund of one per cent. on the land revenue	4,50,000
The surplus ferry receipts	2,25,000
The Noozool or miscellaneous fund	1,50,000
Total rupees	8,25,000
Or in five years	41,25,000

"'All of these, though expended under local administration, are, in fact, Government expenditures. The road fund is a deduction from the land revenue, though called by another name; the surplus ferry receipts and the Noozool are also resources given up by the State; the corresponding receipts in the Madras Presidency are carried to the Government exchequer.

"'Distinguishing between the construction and the repair of these roads, it may be assumed that fully one-half of the amount of these local funds is devoted to the former. The comparison

between the two Presidencies for the five years will then be as follows:—

	N. W. Provinces. Rupees.	Madras. Rupees.
Civil buildings, roads, and other public works, exclusive of repairs	86,58,909 ...	11,73,862
New works of irrigation at Madras ...	„ ...	10,05,072
Local funds in North-West Provinces, excluding expenditure on mere repairs	20,50,000	„
Total.....	107,08,909	21,78,934

" ' Thus it appears that the Government expenditure on the public objects mentioned is five times as large in the North-West provinces as it is in Madras. But even this does not, by any means, show the whole case; for whereas in Madras the Government provides for the construction and maintenance of the irrigation works down to the very fields, in North India it only provides the main channels, and the ryots pay for the construction of the branch channels and works, the charge levied on them for irrigation being, in consequence, extremely small. Thus the account for Madras, in fact, takes in a large portion of the expenditure which is entirely excluded in those of the North-West provinces. If the correction for this difference could be made, the disproportion would be seen to be still greater than it now appears.

" ' This difference in the mode of treating the two provinces in the matter of expenditure on public works is sufficient to account for considerable difference in their state. It would be idle to expatiate on the advantage of good and cheap communications; but some local circumstances may be noticed. North India possesses magnificent trunk lines made and maintained directly by the Government, and second class roads in every district, formed by means of the local funds; for the comparatively excellent condition of which, see the statistical reports and published official correspondence. It possesses also the grand natural highways of the Ganges and Jumna and other rivers. In place of these latter, Madras has the advantage of a long line of sea coast; but this has by no means been turned to its full

account. There are many harbours along the coast, valuable in sheltering the coasting craft; but not only has no attempt been made to improve them, but they have been permitted very much to deteriorate. And even if they were in good order their value would be much diminished by the almost entire absence of roads from the coast to the interior. From the Cuttack frontier to Cape Comorin there is a coast line of a thousand miles; and in all that length there is only one good road going inland, viz., that westward from Madras; there is a second, inferior in quality, from Negapatam, and a third in course of construction from Tuticorin. All the other lines are mere unmade tracks, or worse, viz., roads once imperfectly made, many years ago, and then allowed to go entirely to ruin. And the roads parallel with the coast are no better.

" ' The natural resources of the Madras Presidency are probably not inferior to those of the North-West provinces; its territories are capable of raising all the tropical products, with, perhaps, unparalleled cheapness. But in the entire absence of communications, it is no wonder that it has made very little progress in trade since the last charter. While the exports of Calcutta have advanced almost every year, till from 409 lacks in 1834-35, they reached 1,015 lacks in 1849-50, the last year given, or 148 per cent. increase, those of Madras exhibit little growth, and of late years they have been declining. The highest year was 1844-45, when the amount reached 164 lacks; but the whole average of the first three years in the period was 109½ lacks, that of the last three was only 125½ lacks, being an increase of no more than 15 per cent.'

" Is it not patent, upon these facts, that it is utterly illogical to charge upon the ryotwarry the inferior condition of the Madras Presidency to that of the more favoured Agra? Place her upon the same level by expenditure of public money upon works of communication and irrigation; equalize the assessments of the two countries; improve in the same ratio her natural facilities for transit and export; and it will soon be found, beyond the possibility of cavil, that the mode in which the land revenue is collected, whether by this or that system, or according to this or that method, is in reality the most immaterial point of consideration in the whole matter. But until this experiment shall

have been made, we protest against the fairness of any comparison between Madras and the North-West, and against the prosperity of the latter or the poverty of the former being attributed to the accident of their respective revenue systems; the more forcibly, we take it, because the introduction of the same liberal policy into a few favoured districts has already incontestably proved that the same consequences will follow, and that the ryotwarry is perfectly compatible with the rapid rise of the people in wealth and contentment."

Next, is it true that the village or joint rent system has proved such a success in the North-West? On this topic take the following:—

"We have from the first regarded with some degree of suspicion the magniloquent accounts from time to time put forth respecting the extreme prosperity of the North-West provinces. That the North-Western Government has enjoyed a succession of such men as Martens Bird, Thomason, and Colvin, would naturally lead to an '*a priori*' expectation, that if Indian Government was good anywhere, it might safely be predicated of the territories over which they were called to rule. We recognized these men of large experience and thorough business habits, with their hearts in the work of creating the prosperity of their dominions, setting studiously to work at the one grand object of their existence, in what may be called real hard working costume, as opposed to the frippery and show which distinguish the office of Governor in our older Presidencies: and we have been accustomed to such repeated assurances of the entire success of the measures there introduced, that it becomes almost a habit to regard the Agra Presidency as an exception to the rest of our Indian rule. What men could do, the successive Governors of the North-West provinces have no doubt done; and we cheerfully record our grateful appreciation of their labours. But it has ever seemed to us a strange inconsistency that prosperity and a state of progress should be found under a system of village settlement."

Mr. Halliday, in his evidence, unequivocally announced his conviction that a village system was incompatible with a state of progress,—a testimony of the highest importance with respect to the quarter whence it emanates, but certainly not calculated to

create any surprise in those who have taken the trouble to trace the origin of village systems, in this and other quarters of the world, and in other ages as well as the present. To such it was brought home as a proved and patent fact that these communities were among the rudest and earliest of human society, and that every step forward in the progress of civilization caused a greater strain upon the ligaments which bound the villagers together, until further advancement finally burst the bonds asunder. The 'Friend of India' argued lately that the condition of Arracan was tending to a village system; we maintained that if it were really prosperous as it was pictured, it never could lapse into any such form of settlement; that the tendency of all village systems is to crumble to pieces, and revert to ryotwarry, with the increase of material wealth; and we hinted our strong suspicions that something like this must be actually going on at the present moment in the North-West, if riches were accumulating and the condition of the people really ameliorated. In confirmation of this we appeal to the startling pamphlet now before us, No. 24 of the Records of the North-West Provinces Government, the following extracts from which fully bear out our suppositions, reasonings, and expectations, nay, go beyond them with respect both to the extent and speed of the anticipated revolution.

"The claqueurs of the Court of Directors, who have used the Presidency of Agra throughout the Charter discussions as a lure to decoy away inconvenient scrutiny from the more rotten fruits of their administration, may now hide their diminished heads, if there be any modesty in them. At any rate the village system, primitive and patriarchal, will not again serve their turn, for a more complete and thorough break-down, a more total discomforture than it has met with under the most favourable and encouraging conditions, it would be impossible to conceive. But we will no longer baulk the curiosity of our readers; but rather at once usher in our extracts to their notice. 'Education,' writes Mr. W. P. Hammond, 'may teach thrift, and excite members of coparcenary communities to seek after professions, and other fields of industry; but the dissolution of these communities, as they increase beyond the means of subsistence afforded by the profits of the estate, is merely a matter of time. Numbers must relinquish their almost barren privilege of ownership to the private

or the public creditor, and either emigrate, or, if they remain, subside to the grade of ordinary cultivators.'

"The readers of the 'Household Words' will remember the picture of the Land Shark in Australia. Here is his pendent in the North-West provinces of India. The picture is painted by Mr. Craigie, Collector of Huzaff Nuggur:—

"'The thriftless, careless, and extravagant Sheikh, Syud, Pathan, and even the more careful but untutored Jat, fall an easy prey to the ever-watchful never-relenting bunya; a marriage or two throws the first, and a drought or two the other class, into the meshes of the Mahajun's books, where they become inextricably entangled in compound interest; and the moment of their final destruction rests entirely on the will of the money-lender. The enormous interest paid for money by an ignorant people who cannot club for self-protection, I believe to be the root of the evil; and I am persuaded that the bunya will acquire more and more land in India, till the labours of the schoolmaster ramify much further than they have yet done. The petty usurer is rising to a landed giant, and I see not how his growth can be checked, for care, economy, knowledge, and labour must inevitably depress neglect, extravagance, ignorance, and sloth; and if the old landlords wish their sons to retain the family estates, they must educate them up to the highest standard of their times, otherwise their decline and fall are certain.'

"But this is not the only class into whose hands the shares of the villager is passing. They contain among themselves, it appears, the elements of dissolution; the more successful swallowing up their less thrifty or fortunate coparceners, and this, apparently, not always by means the most legitimate or straightforward.

"'Another cause,' writes Mr. Turnbull, Collector of Boolundshuhier, 'may be found in the process of gradual absorption, by the more wealthy and influential landholders, of the petty holdings in their neighbourhood, which is brought about either by fair or foul means as the case may be, and according to the individual character and circumstances of the parties. In some instances, the property is willingly alienated to secure the owner a powerful friend and protector, but in others fraud and chicanery are employed, and all the machinery of the law is put into

motion; *and in the end the man of wealth, by false suits and unjust decrees, generally contrives to attain his object, and wrest the property from his weaker neighbour.*'

"Our excellent administration does not appear to have been successful in conciliating the affections of the people. The Honorable R. Drummond, Collector of Agra, gives this alarming information:—

"'The subject is one fraught with the deepest interest, especially amongst a Rajpoot population, living on the borders of native States, *where no such alienation of landed property is known, and is calculated to give rise to a spirit of disaffection towards our Government. An ignorant and turbulent race, like the Rajpoots, cannot and do not discriminate between the acts of the civil court as independent of the Government, and the acts of the Government itself; and I believe it is not uncommon for them to state their expectation of eventually regaining their ancestral possessions, on our Government giving way to some more powerful race, as the Mahomedan rule gave way to us.* In fact, it is the same feeling which in Ireland was only got rid of when the old proprietors themselves left the country, and migrated to other shores.'

"As to any prospect of revertal to the village system at some future period, we cannot speak more conclusively than Mr. Alexander, Commissioner of Rohilcund:—

"'It can be asserted, without contradiction, that no reaction of circumstances under our Government will ever renew village communities which have been once broken up. The state of things to which they were peculiarly adapted has passed by, and I concur with the Collector of Moradabad, in thinking that we have not cause to look on the fact with regret. In former times, mutual dependence was the necessity, and may also be said to have been the virtue, of the village constitution; independence was profitless. Without preventing mutual dependence, our system has tended to cause and foster independence, and to give it a value it had not before.'

"Indeed the very contrary is predicted by Mr. Cust, Collector of Banda, who writes as follows:—

"'At any rate these constant transfers to aliens of *portions* of estates, are pregnant of grave consequences, and will severely test the expediency of our "village system" some quarter of a

century hence. Arrangements which answer when the members of the village community are homogeneous, or related by ties of blood, utterly fail on the introduction of alien speculators. The moral control of head men and lumberdars is destroyed, and the village constitution breaks up; hence follows the necessity of complete partition under Regulation XIX. of 1814, and a vast increase of the number of small muhals, composed of (in many instances) fields interlaced one with the other, threatening serious inconveniences at a future period.'

"And, finally, as to the demoralizing effect of our control upon the character of the native, we have presented to us by Mr. Tucker, Commissioner of the 5th Division, the most fearful corroboration of what was asserted by Shore, and reiterated by Campbell, by the latter of whom the admission is naively made, apparently with an utter unconsciousness of its damaging effect upon those whose Government he defends. Both these writers assure us that the longer native states are under our control, the more marked is the depreciation in native character. In the course of comparatively few years, we succeed in destroying whatever of truthfulness and honour they have by nature, and substituting in its place habits of trickery, chicanery, and falsehood. Not very flattering to ourselves this bitter truth and humiliation of spirit, yet how well founded the assertion may best be determined by a perusal of the next extract.

"'Every native,' writes Mr. Tucker, 'will tell you that it is impossible now-a-days to find an honest man—those who appear so being only too great fools to cheat successfully. Our whole system of law and government, and education, tends to make the natives clever, irreligious, litigious scamps. No man can trust another. Formerly a verbal promise was as good as a bond. Then bonds became necessary. Now bonds go for nothing, and no prudent banker will lend money without receiving landed property in pledge. Thus almost every loan, which formerly no one even heard of, generally produces a friendly suit and confession of judgment and transfer, as a prelude to a subsequent retransfer, on repayment, with an abundant crop of intermediate suits for surplus *mesne* profits, &c., &c., which generally ruin one party, and enrich only the vakeels and mooktars, and a few very knowing and unscrupulous money-lenders.

"'The first and only cure is therefore to begin with the beginning, and instil religious principle; the old religions are tottering to their fall, and the people, with all their ideas as to what is truth unsettled, have no anchor whatever to ride by. They more or less doubt their own religions, and there is no other hold upon them. You have only to compare our new provinces with our old. From the recently acquired Punjab, where the people have had little of our Law and Government education, and are comparatively truthful and honest, the population becomes worse and worse as you descend lower and lower to our old possessions of Calcutta and Madras, being, I believe, peculiarly bad where the native mind has been most shaken by missionary efforts.'

"These passages will no doubt take many of our readers by surprise. We beg them to recollect that they are not the exaggerations of the press, or the crude notions of hasty travellers, but the official reports of the Government Collectors themselves; genuine, authentic, authoritative, authorized, plain spoken, unmistakeable, superior to all suspicion. We will not weaken the effect they are calculated to produce, by a single word of comment of our own."

Let us now look at the results of the village system in the Presidency of Madras.

"We have tried the village system heretofore in Madras. The following is Mr. A. D. Campbell's account of it before the Lords' Committee in 1852:—

"'In a few villages, where the assessment of rent was least excessive, for it was high in all, and the greater number of the ryots of the village entered into the lease with the Collector, its effect was more favourable than in others; but generally the result was, that a few only of the villagers entered into the lease, and then stood as temporary middlemen between the Government and the rest of the peasantry. The inferior ryots were shut out from all immediate communication with the Government officers; oppressed by their more powerful brethren, the renters, who, in good seasons, pocketed all the profits, and in bad, cast on them, by extra assessment or saddling them with waste land, the greater burthen of the leases; so that at the expiration of the ten years, the villages generally returned into the hands of the Government in a lamentable state of impoverishment, and in

some districts, particularly in Bellary, in a state, as described by Mr. Chaplin and Mr. Thackeray, of absolute bankruptcy.'

"This may seem exaggeration, but the following facts, for the correctness of which we vouch, shall speak for us, and justify the opinion which we have formed.

"Let us pass over an interval of four lustres, and recollect what account Mr. Halliday gave of the North-West system, before the Commons' Committee in 1853. The reports of the Collectors of the North-West are received as unquestionable guides as to the working of the village system in that locality. The following testimony of a Revenue officer who has superintended the village system in Rajahmundry, is entitled to equal respect as to its state and results in the Madras Presidency: 'Nominally,' writes this authority, 'each individual ryot is responsible for the aggregate assessment, his consent having been obtained to the written agreement presented to the revenue officer by the head men of the village—nominally, his assent has been cheerfully given — and nominally, the villagers proceed to make a distribution of the land and shist. The theory of the joint rent system is admirable; it supposes a fair rent payable by the collective village community, an engagement alike advantageous to themselves and to the Government — it ignores any approach to discontent on the part of the renters—it professes absence of interference on the part of native officials—it looks for justice in place of oppression—it understands an equitable distribution of land and assessment by the heads of villages, to whom all internal arrangements are entrusted—and provides for the punctual discharge of each instalment of the rent, by certain imposed penalties. Practically, however, much of this is a delusion. It has been found inexpedient, and, in fact, impossible, with any show of justice, to collect, by extra contributions from the general body, deficiencies on the part of individuals; and although the stipulation still exists, and is held *in terrorem* over the people, it is very rarely resorted to. Were the head men alone made answerable for the public demand, it would undoubtedly be their interest to make a fair distribution of the lands of their village, so as to ensure the realization of each man's quota—but as the responsibility is general, so also is the indifference to a neigh-

bour's welfare, and the better class of ryot looks after himself, and cares little for his poorer brother. The influential members of the community are not bound by common ties to the poor class of cultivators; being of different castes, and regarding them rather as a dead weight upon the village than as contributors to the common weal, they not only afford them no assistance, but are the very persons who inflict the injustice which it ought to be their province to prevent.

"'The real responsibility then lies at the door of the Government officer, and it is he who virtually fixes the rent of a village. The eventual agreement of the villagers is not obtained without much opposition, frequently with so strong an exhibition of contumacy, that it requires no little firmness of purpose, and arguments of no little force, to persuade the recusants to undertake their engagements; many villages there are where the inhabitants pull well together, where lands are rich, the ryots for the most part prosperous, and with these the difficulty is easily overcome—my remark applies particularly to those villages where the poor out-number the rich, and where the returns have not kept pace with the increase of the demand.

"'I do not mean to say that the minute inquiries, or the amount of interference which it is believed take place in pure ryotwarry districts, are always necessary or even attempted here, —it is almost a distinction without a difference; the head men of the village are utterly unable to arrange the affairs of the community without the assistance of these Government officers, and the system has not as yet effectively provided against the baneful effects of this interference. The grand object of all concerned is to press the occupation of the land upon the village at large by any means short of absolute force, and the amerkum is not completed without considerable difficulty even then. Statements of the amerkum effected are forwarded by the tahsildar every fortnight, showing how much land is already taken up, and how much remains unappropriated, and he is urged to complete the allotment at the earliest possible date. Those who held land last year are supposed to retain it the next, their names are often registered whether present or absent, and it is sometimes found that land is allotted to deceased ryots, and to individuals whose consent has never been obtained; and therefore it is that

the authority of the Collector and his European subordinates has been found necessary to control, in some degree, the injustice and oppression exercised towards the poor. At the completion of the amerkum, one general list is given to the ryots describing each man's holding, and is kept for reference; and a useful practice lately introduced, has now, I believe, become general throughout the district, of posting up a copy of this document in the choultry or most conspicuous place in each village, to give the people the means of checking any attempt, on the part of the wealthy ryots, to saddle them with more land than they agreed to take.

" ' No sooner is the amerkum completed, than care must be taken to see that the ryots proceed with the cultivation of their lands at the proper season. Here, again, if left to themselves the cultivation would in many instances be entirely neglected—the wealthier ryots often combine to induce the poorer ones to abscond, hoping to evade the responsibility of the demand upon the latter, whose lands they know to be the worst in the village —for it may be understood as a general rule that the poorest soils are left to the indigent ryots of the lowest castes.'

" A much longer detail is given of other kinds of interferences which we refrain from quoting.

" ' I must confess,' proceeds our authority, ' that I am unable to comprehend how the joint rent system can be administered in its integrity, in the absence of a *bonâ-fide* village community. The distinctions of caste must ever render the interference of the Government officers necessary, and this interference is admitted on all hands to be the bane of every system. My experience convinces me that the ryots in the Delta talooks will not act in one general body; they neither understand nor appreciate the term—joint responsibility.

" ' We have been working in the dark, we have no survey to guide us, our village system has all the pernicious features of the ryotwarry, without the same protection to the ryot; individual assessment is unequal, and the collective demand arbitrary. The primitive system of village communities which has worked so successfully in the North-West, would seem indeed to be unsuited to the character and genius of the people of these provinces; in general, there is no feeling of identity of interests

between the lower and higher classes, except in deceiving the Government authorities.'

"Again, the details of the partition of land are supposed to be settled by the villagers themselves. 'But this,' says the same authority, 'is only the theory, as I have before explained—in practice, it is not so. The period allowed for this apportionment of the land and shist of the village has hitherto been, as in ryotwarry district, from the Jumabundy, which usually terminates in March or April, till September. The village moonsiff, and other influential ryots called pettendars, who are Government servants, and receive emoluments for their services, are expected to effect this without the aid of the talook authorities. But first a peon, then a samutdar, and afterwards the tahsildar, are successively called to their aid, and the matter is not finally arranged without constant references to the European officer, whose authority is necessary to adjust disputes and differences.'

"We say nothing of the 'challenge,' because it is not an essential of the joint rent system, and is, we believe, the mere crotchet of an individual brain; though it would not be well to pass altogether in silence a plan apparently devised with a diabolical ingenuity to scatter distrust broadcast, and entirely prevent any effort at improvement. What says the same authority?—

"'In addition to the uncertainty which such an arrangement involves, another check, designed indeed for the protection of the poorer class, is the right of 'challenge' which has long been recognised in this district. After the allotment of shists, any ryot who imagines that his wealthier neighbour's field is more lightly assessed than his own, offers to take it at a higher rate, claiming a corresponding reduction for his poorer holding. The party challenged must either consent to the enhanced demand, or he must surrender his holding to the challenger, and put up with the poor field on the reduced assessment.'

"The following is the conclusion at which the author arrives:

"'My account of the working of the joint rent plainly indicates, that in many villages there is a sort of compulsion from first to last—nothing seems to go on without the interference of the Government officers—and the village machinery, so to speak, cannot work without their assistance.'

" And again :—

" ' Why is it that the poor man and the pariah are so anxious for employment on the public works, and afraid of putting their names to the register of lands? Simply because they know that their rights will not be respected, and that they cannot expect impartial justice in the talook cutcherry.'

" It is impossible to indite a more sweeping condemnation of the joint rent system than these authoritative facts furnish forth. There appears to be an equal amount of minute interference with that which has been necessary for the bastard ryotwarry system, with all its restrictions and excrescences; while no man who understands the real meaning of ryotwarry—that is to say, that each individual shall be lord of all within his ring fence without any extraneous intermeddling—could venture to contrast the hardships to which a joint responsibility gives rise, with the freedom of action which flows from individual holding."

I now come to the ryotwarry; and I trust that the following papers, which Colonel Arthur Cotton has declared to contain the best account of the ryotwarry that he knows, may throw abundant light upon this important topic. They were written, together with the matter already quoted, in a controversy with the "Friend of India" upon certain changes which that journal proposed to introduce in the tenure of Madras. They meet the three objections constantly urged against the ryotwarry.

First. As to the ryots' security of tenure:—

" ' The objects we conceive to be desirable in Madras,' says the ' Friend of India,' ' are threefold: to render the tenure as secure as is consistent with the due collection of the revenue; to afford an inducement for the investment of capital in the land; and to create a class, or rather suffer a class to grow, who shall have the means and the leisure for permanent improvement.'

" Let us deal with these objects in the same order. By security of tenure, we presume is meant, security to the ryot or occupant of the land; and if so, we assert, first, that, practically, the ryot has such security at present; and, secondly, that, theoretically, the ryotwarry is perfectly compatible with the largest possible estate, that of a fee simple.

" In proof of our first assertion, we will proceed to cite a few

authorities. Mr. Bourdillon, than whom there is no better authority, writes as follows:—

" ' Again, it is objected that land is constantly changing holders, and it appears to be supposed by some, that every field is returned on the Collector's hands every year, and is leased out again by him, to the highest bidder or to the first applicant, or else is forced on some one who does not want it. This is wholly imaginary. *The great bulk of the land is permanently in the same hands, and passes from father to son as certainly and as securely as under any settlement whatever.* A proportion of the land changes owners every year, as in every country in the world; but by no means a considerable part, and even of this only a part is abandoned. Part is bought and sold, part is transferred by one ryot to another, and perhaps the smallest portion of the three is that which is given up altogether.

" ' It is a defect in the *arrangements* of the ryotwar system, that though the tenure of land is thus permanent, yet ostensibly only a yearly title is given. But *though in form* the table is only yearly, *i.e.* the document given to the ryot (the puttah) is only for the year, *yet it is a rule universally recognized and acted on, without any exception, that so long as a ryot pays the assessment of his land he cannot be deprived.* This rule is so thoroughly established, so antecedent to all other rules, that I doubt whether it is to be found in terms in the Hookumnamah or settlement regulations of any district; though all such of those regulations, in every district, as affect the tenure of land, inevitably imply it.

" ' Certainly in practice the formal defect of title is not felt. Land is freely bought and sold, and capital is freely invested in it, (in the digging of wells, as well as in other improvements) without the least hesitation on the ground of any supposed absence of permanency in tenure. *And I believe it would be impossible to bring forward a single instance in which a ryot had forborne to make such an outlay, from any apprehension of that nature.*' "

" And this is known by every body practically acquainted with the Madras ryotwarry districts to be the simple fact, however startling it may appear to those theoretical ' reconstructors ' at a distance, who undertake to fit us with remedies, notwithstanding they have never set foot upon our shores.

" The late civil engineer of North Arcot, bears testimony to

the same fact. One of the trustees of Patcheappah's Charity, having questioned the ryots on some of the charity estates, brings back the same report. A gentleman, but lately returned from a tour in the Mofussil, with whom we have conferred, bears precisely similar testimony. We may add our own, which extends to various districts; but what is the use of heaping up evidence upon a point which no one acquainted with the facts, we presume, will dispute?

"But lest it should be urged that we have merely cited assertion, let us add a fact which speaks for itself and is conclusive. The issue of the annual lease, or puttah, was intended to give security and confidence to the ryots. In many districts it is not the practice to issue fresh puttahs except when there has been a change of tenure, either with respect to extent or tenant, and it is not found that the ryots come forward to complain of the withholding the evidence of their title; on the contrary, a great mass of useless labour is saved to the Collector, and the practice ought to be made universal.

"In Canara and Malabar, however, the ryots cannot be made to take their annual puttahs. In 1848, an order was issued to the district authorities to issue puttahs to all the ryots, but the measure was found impracticable, the ryots not caring to take the documents. What does this signify, except that there is a well understood agreement between the ryot and the Government, that so long as he pays his kist, he is secure of his tenure; hence he wants no annual assurance of his lease, no better grant than what he already holds; and that such tenure is compatible with the collection of the Government revenue, is proved by the fact that in Canara and Malabar, where the assessment is moderate, we hear neither of torture to extort the dues, nor of balances uncollected.

"Our second assertion requires somewhat more elucidation. For it may seem at first sight paradoxical to the mere superficial inquirer, that a ryot can never hold in fee simple. That such has not been the admitted practice, we do not deny; but if the ryotwarry system, as counter-distinguished from the village system and zemindarry, simply means a personal settlement between the Government and each individual landholder, whereas in the village settlement the Government deals in the mass with

each knot of villagers, and in the zemindarry, through the means of a middle man, it follows that there is nothing in the ryotwarry system which precludes the landholder from receiving his land in fee, when once he has agreed to pay the amount of land-tax assessed upon it. The *annual* settlement is all in favour of the ryots, because, while by the terms of settlement, the ryot, paying his assessment, cannot be ousted from his land, on the other hand, his contract to hold cannot be enforced against him for more than one year, when he may throw up the whole or any part of his holding that he pleases. The thirteenth rule of Read's proclamation to the ryots in Salem, on the 10th December, 1796, (which Dykes calls the 'Ryots' Charter') is as follows:—

"'Rule 13.—*Time prescribed for the settlements of annual tenure.*

"'Since the obligations entered into between the Circar and the yearly tenants are binding upon them for the current year only; to the end they may extend or reduce their farms according to their circumstances, by retaining or rejecting certain fields, as they may choose, from year to year, that makes it necessary for them always to declare, during the ploughing season, what they intend to cultivate, that mutual agreements be exchanged as hereafter directed, and the rents of every farm duly collected.'"

"And, singularly enough, Munro, in his letter to Colonel Read, dated 18th July, 1797, writes as follows:—

"'Revenue, having reached its lowest point of depression, will, after next year, begin to rise regularly and uniformly; the ryots having changed every field that they wish to get rid of, and, having chosen such as they like, will consider their farms as an inalienable property, and will begin in earnest to improve them with their whole means; revenue will be permanent; settlements will consist merely in adding the amount of the new lands demanded by the ryots to the rent of the former year, and, in some few instances, making a deduction of fields left unoccupied on account of death or failure; *and the ryots may have their lands made over to them in perpetuity, from time to time, in proportion as they demand them.*'

"Thus expressly recognizing as part and parcel of his intended system from time to time, and as the ryots required it, handing over to them the largest possible tenure which the law knows.

How can it be said, in the teeth of these facts, that the ryotwarry system does not admit of a tenure at once consistent with the security of the ryot and the collection of the Government revenue?"

Secondly. As to the inducement to the ryot to invest his capital in the land. The one thing needful here is to lower the assessment. Where that remains at its present rate, the people are impoverished; where it has been reduced, the people have sprung up with almost magical rapidity into prosperity. On this topic, take the following:—

"The second object which the 'Friend of India' wishes to secure the Madras ryot, is to afford him an inducement for the investment of capital in the land, a consummation most devoutly to be wished for. It does exist in some quarters; it may easily become the rule instead of the exception for the whole surface of the land; and the method to make it so is easy and patent. The tap-root of the evil is the exorbitant assessment. Whenever that has been lightened, the ryots have readily invested their capital in the land; and we venture to enunciate as an axiom, that whenever the land is saleable, such an inducement immediately and necessarily exists. At present, assessment is so grossly disproportionate to the productive powers of the land, it is so unequally and irregularly fixed, that it swallows up nearly all the profits. The land by itself affords Government no security for the kist, because it is unsaleable; therefore the revenue officers are obliged to look to the crop for their security, and hence a host of consequent evils. Hence, the necessity of fixing various periods for payment of the annual land-tax in instalments; hence, the interference of the tahsildar and his myrmidons to watch the exact quantity of grain thrashed out to satisfy the approaching demand of revenue; hence, the impossibility of the ryot seeking his own market for his produce; hence, his subjection to the soucar and bunyan, to whom he is ever forced to have recourse for advances; hence, his obligation to mortgage his newly reaped crops at a price below what he could obtain in market overt; hence, pauperism, despondency, servility, almost all the debasing peculiarities in the character of the ryot. Example is ever better than precept. Let us, therefore, illustrate what we mean. In the Rajahmundry district, in the talook of Oondy, the tahsildar has

been actually seen going his rounds to collect the instalment of kist, accompanied by a soucar who purchased the grain from the ryot at six rupees per candy, at a time when it was selling on the coast for nine rupees. Whether the tahsildar shared in this plunder, it is hard to say; but he made no secret of the act, and asserted that, without recourse to this measure, the ryots could not find money wherewith to pay the Government demand. We need not pause to depict the lamentable consequences of such a state of things; nay, the ryots are not permitted even to thrash out the whole of their crops at one and the same time, because the tahsildar cannot trust the residue in their hands, after deducting only what he requires for the present instalment. In the words of Mr. Bourdillon:—

" ' In almost all the ryotwar districts, the ryots are prohibited from cutting their crops without leave from the tahsildar, or his local representative the turrufdar, or the head of the village at least. I state this generally, but exceptions are made in favour of those known to be wealthy, or who are in favour with the tahsildar. When cut, a part of the grain, about twenty-five per cent., is allowed to be taken by the holder; but the remainder must be stored on the village thrashing floor under charge of the watcher, till the ryot either pays the tax of the field or gives adequate security to do so. The taliary, or watchman, guards it from being taken away by the owners; and refractory parties removing their grain at night and without leave, as they occasionally do, are fined by the collector. In some districts a turrufdar makes an estimate of the crop of each field before it is allowed to be cut, which estimate is lodged in the talook cutcherry; and after the crop is reaped and stored, none is allowed to be removed without an order from him.'

" This is the state of things even where the boasted village system is in force. That has not been found to work any beneficial change; nor could it, or any other system, so long as the assessment continues utterly ruinous, and prohibitive of all accumulation of capital.

" From the article on Canara in the ' Calcutta Review,' and that most timely publication, No. XXII. of the ' Madras Records,' which gives us the papers on the revision of assessment in South Arcot, we may gain a more correct and prac-

tical view of the real merits of the case. There we see the proved results of lightening the assessment without any change of tenure, and learn that the ryotwarry is perfectly compatible with the most elastic spring towards prosperity, the moment that which has alone restrained its upward tendency is removed. It is the exorbitant assessment which has necessitated the minute interference with the ryot at all seasons of the year, and during every agricultural operation. We have overlaid our task with a mass of superfluous and injurious labour; we have called for accounts voluminous beyond all belief, and accumulated trouble by declaring that they must be kept in a language which neither the ryot nor the civilian can understand; we have departed from our pledged faith to the people not to impose additional taxes upon them for improvements the result of their own capital; but it is no more fair to charge these excrescences on the ryotwarry system, than it is to bring them forward as arguments against it, now that they have been finally abandoned.

"Before proceeding to examine the results now before us of lowering the assessment, we wish to deal with the 'Friend of India's' suggestions. The 'Friend of India' writes as follows:—

"'We would first have the Government of Madras appoint one or more commissions to revise the rate of the assessment. Their object should be, if possible, to equalize the ratio between produce and taxation throughout the presidency. One district should not be taxed more heavily than another,—Bellary than Guntoor, Madura than Salem. The rates thus fixed, no subsequent inquiry into black land or red land, loam or sand, cotton land or paddy field, would be required. The tax would be assessed at a fixed portion—say, one-half—of the gross produce; if the soil is bad, it would be light; if rich, heavy; but in any case a subsequent enquiry would, except in one contingency, be needless. Government should then pledge itself formally not to increase the rates for fifteen years. This would allow time for the operation of another suggestion, which is the key of the whole plan. The fixed rate should be assessed not on individual ryots, not on John Smith or Streenevassa Chetty, but on the patch of land. So long as it is paid, no attention should be given to any changes of proprietorship.'

"Before 'revising the rate of assessment' for which the 'Friend of India' proposes 'one or more commissions,' it is absolutely essential that there should be a revenue survey conducted on scientific principles by honest agents. This lies at the bottom of the whole reform. It has been effected in the Bombay Presidency, throughout the Deccan, and in the North-West Provinces; and it is as indispensable in Madras as in either of the above-named localities. It was only the existence of a tolerably accurate survey in South Arcot which enabled Mr. Maltby to carry out in that district his reform in the assessment, to which it is, in the language of the law, 'a condition precedent.'

"The 'Friend of India' says that it should be the object to equalize the rates between production and taxation throughout the Madras Presidency. One district should not be taxed more heavily than another—Bellary than Guntoor, Madura than Salem; and this with the most imperturbable gravity. He ignores all the circumstances in which the districts differ, regarding only those in which they assimilate; a fallacy which has ere now led to grievous blunders and absurdities. We, on the other hand, maintain that each district, and each plot of ground in that district, should be taxed with reference to its own circumstances; and that there may exist very good and sufficient reasons for exacting a higher assessment from Guntoor with its sea-board, than from Bellary without a practicable road, or more than one arched bridge. What would be a light assessment in one district, might be grievously burdensome in another; and such is the effect of proximity to markets and means of communication, that in Rajahmundry, villages fifty miles away from the sea have been ruined by an assessment borne with facility by the dwellers on the coast. At Coconada, grain has been selling at nine rupees, which only fetched six in the Woondy talook; so that a distance of fifty miles suffices to create a difference of one-third in prices. In the year 1797, cotton could be conveyed from Mirzapore to Calcutta, a distance of 500 miles, at seven rupees a ton; the present cost of carrying it from Bellary to Madras, 283 miles, is 500 rupees a ton. Surely, regard must be had to the circumstances of each place in fixing its legitimate assessment. Any other plan must operate detrimentally to the interests of the Government, or the ryots, or both. Either the

one must give up what it might fairly claim, or the others must submit to what they cannot possibly bear. On this subject we may refer to Colonel Arthur Cotton's work; and we extract a short passage from Mr. Bourdillon, which may, perhaps, make people reflect on the possible consequences attending difference in locality, facility of communication, and such small matters:—

"'Tanjore contains 4,000 square miles, and yields in land revenue alone thirty-nine lacks; Bellary contains 13,000 square miles, and yields of land revenue twenty-two lacks, being for equal areas only one-sixth of the revenue of Tanjore. But I will omit the consideration of what vast tracts in Bellary are wholly waste and unreclaimed, (and in part, indeed, irreclaimable), and will compare the cultivated areas only. The total extent cultivated in Bellary in the revenue year 1259 (1849-50) was 14,37,749 cawnies; and as the revenue realized was 22,52,334, the average per cawny was only a rupee and a half; in Tanjore, in the same year, the ryotwar cultivation was 6,37,360 cawnies, and the collections 38,74,000 rupees; the average to the cawny of actual cultivation was therefore above six rupees, or more than four times the rate of Bellary.* And yet land in Bellary is an unsaleable commodity, while in Tanjore it is a valuable commodity; and in every indication of a sound and prosperous condition Tanjore has an immeasurable advantage.

"'And this difference in its favour is not due to any superiority in natural fertility; of the two provinces, I imagine the soil of Bellary is the better. What, then, is the cause? It is mainly this, and no other, viz., that in Tanjore the state has, for ages, laid out a portion of its income, first, in bringing water to irrigate the soil, and, latterly, in making roads to transport its produce. If that had not been done, Tanjore would, at this moment, be no richer than Bellary or Guntoor. This example may serve to show that the way to make our provinces flourish, and to give land a value, is not to reduce the land-tax, but to devote a portion of the produce of it—and a portion only will be

* The capacity of the cawny is of no consequence in this comparison, being the same on both sides of it; but I may mention that the cawny contains 6,400 square yards, being, within a fraction, one-third larger than the acre, which contains 4,840 square yards.

amply sufficient—to the creation of those means which, on the one hand, multiply the resources of the producer, and, on the other, bring him near to a market.'

"The 'Friend of India' suggests that assessment should be fixed for a period of fifteen years, at the expiration of which it might be open to the Government to raise it. Has the 'Friend of India' lost sight of our pledged faith, that so long as the ryot pays his fixed kist, the land is his for ever, without any further advance? And if there is one thing more than another calculated to hinder the investment of capital in the soil, it is the feeling of uncertainty engendered in the minds of the ryots by the fear that Government may raise their kist as their land becomes more productive. This has operated to a great extent upon the ryots under the Godavery Delta, and precisely the same argument is used by European capitalists, who ask how can they be expected to speculate in coffee planting on the Indian hills, where after twenty years they know not what fresh terms the Government may enforce, whilst in Ceylon they may purchase the soil outright for ever? One plan would be this:—let Government at once fix the maximum assessment which it ever intends to take under any future circumstances; and when it is found inexpedient at once to exact the full amount, let it take the minimum, raising it as the resources of the land are developed, and the landholders rise in wealth. With such a system a feeling of comparative security might be at once engendered, whilst all proper and prudent consideration will be shown for the existing condition of the ryots and the soil.

"Further, the Government, says the 'Friend of India,' should take *fifty* per cent. of the gross produce. Was there ever so lamentable a self-exposure as this. What has been the result of taking half the produce from that unfortunate district, South Arcot, so highly taxed above any other in the Madras Presidency? It is universally allowed by all revenue authorities in the Madras Presidency that 33⅓ per cent., or one-third of the gross produce, is the extreme limit of demand. It was for this purpose that Munro recommended a reduction of 25 per cent. in the ceded districts, in order that the rates might be brought down to the standard of ⅓d. of the gross produce, which recom-

mendation was carried into effect, though upon a totally erroneous and unproductive principle. This is the maximum which the Board of Revenue has repeatedly laid down in its instructions on the subject; this is the maximum which Mr. Maltby attains in his late revision; and it was thus that Munro expressed himself on this topic before the Parliamentary Committee:—'I have stated in my Report of 15th August, 1807, that when the rate of taxation *exceeds one-third of the produce, land, generally speaking, is of little or no value, and is often abandoned.* I have also given it as my opinion that when so high a rate of revenue *as one-half of the actual produce is exacted, persons who are not actual cultivators cannot occupy Circar lands without loss.*' And in the Government Minute of Consultation on Mr. Maltby's Report, we find the following:—'They hold in common, it is believed, with all authorities of any weight, that a general assessment of 50 per cent. of the gross produce upon both irrigated and unirrigated land, must of itself constitute a tax which neither South Arcót nor any other district of Southern India can bear, and the ryot at the same time prosper.'

"Further; let us take the proved results of a tax of 50 per cent. of the gross produce. In South Arcot, we quote from the report of Mr. Maltby, out of 1,76,167 cawnies of irrigated land, there were 95,655 lying waste; out of 10,64,880 of dry land, 8,15,993; and out of 4,731 of garden land, 3,226; or 54 per cent. waste of irrigated, 77 per cent. of dry, and 74 of garden. Of the best, or garden, soil, 500 cawnies have been used for building sites: the district does not grow grain enough for its own consumption; 'the best lands now lie waste, whilst numbers of its inhabitants seek subsistence in foreign emigration.' In the words of the Board of Revenue, 'The extensive emigration which has been yearly going on amongst an industrious and agricultural population, from a district where there is an abundance of available waste land, and many outlets for the surplus produce, must, in the absence of any other adequate cause, be attributed, the Board think, to the excessive character of the land assessment, which does not admit of their earning a living from the cultivation of their own native fields.' Such is the picture of what the Madras Presidency would be if the proposed reduction were carried out!"

The results of heavy and light assessment are next to be shown by practical examples, and for this purpose Madras has to be contrasted with other territories:—

"The 'Friend of India' has chosen to compare Arracan with Madras, and though the comparison is unfair, it is very valuable and should be accepted; but let Canara be compared with Arracan, and we have no reason to fear the result.

"There are two countries in which the tenure is identical, but one of these countries is prosperous and the other declining. The nature of the tenure, then, does not account for the difference, and the cause must be sought elsewhere.

"When any particular branch of industry in England is in a declining state, or when the country generally is suffering, public attention is usually drawn to the pressure of taxation as the cause to which the evil may most probably be attributed; and it is most extraordinary that in India we should go on discussing the manner in which the tax gatherer makes his rounds, until we lose sight of the amount of assessment that he comes to demand.

"The parallel between Madras and Arracan is much more close than the 'Friend of India' is aware of; in fact, every alleged discrepancy may be excluded as erroneous. There is no difference of principle as to the right of possession. In Madras, as in Arracan, the peasant is recognised as proprietor—and by no one has this principle been more staunchly contended for than by Sir T. Munro. The peasant of Madras is as much at liberty to contract and expand his cultivation in good and bad seasons as the peasant of Arracan, and, what is more, he does so. The 'Friend of India' says that it is only necessary for the Madras Government to say that it will not raise its rent for ten years, to make Madras as prosperous as Arracan. The Madras Government has done much more. It has said that it will not raise its rent for ever; so long as a peasant pays the rent of a field, so long he is the proprietor of it. If it is not to his advantage to continue to cultivate the field, he is at liberty to throw it up, and the demand for rent ceases. Whether, when thus rejected by the owner, the land is available for any other cultivator, or whether the previous cultivator has a lien upon it for one or more years, is a matter of local custom, and varies in different districts. The correct principle most certainly is, that if there is any party

willing to cultivate the land, the owner must either pay the assessment or resign it, and the 'Allod' of ten years in Arracan is a faulty principle. The proper test whether a peasant is justified in leaving his land fallow is, whether there is any one willing and able to turn it to account, so that it shall yield subsistence to the community and revenue to the State. If there is not, the peasant can himself resume it when it is profitable to do so; if there is, he has no right to withhold the land from cultivation unless with the view of making it, by a fallow, doubly profitable the next year, and then he is fairly bound to pay the rent. But as the privilege is, as stated above, prevalent in some districts, it does not account for the difference between Arracan and Madras.

"In Madras, as in Arracan, the rent for a year once paid, 'the excuse for the tahsildar's interference ceases.' 'The constant disputes with the Collector—the measuring of this patch and the examination of that'—are imaginary. The ryot pays the whole rent or none; wherever the ryotwarry principle is fairly in operation, each field bears its assessment, and the peasant either cultivates the field and pays the assessment, or resigns the field and ceases to be responsible for the assessment.

"How then is the difference between Madras and Arracan to be accounted for? The answer is plain; because in one the land assessment is light, and in the other it is heavy.

"In proof of this a comparison should be instituted between the taxation of the land in one country and in the other. The exact amount of the assessment in Arracan we do not know, but believe that the province resembles Canara in possessing a fertile soil and an unfailing monsoon, and that, notwithstanding these advantages, the assessment on wet lands does not exceed 3 rupees an acre on the best lands; at least that is the case in Chittagong.

"But we know what the assessment in Madras is, and as one instance is more forcible than many general assertions, let us take the following:—

"In Salem a piece of land measuring two acres and one-fifth has lately been put up to sale for an arrear of revenue. The assessment upon that field is 19-6-0 rupees, or 9½ rupees the acre. Now the question is, Is the assessment on the land in Arracan equally heavy? But it may be said that this may have been land of unusual fertility, and the mere amount of the

assessment proves nothing at all. Let us then see what the land sold for. It sold at a Government public auction, which confers the best title that can be obtained, for 15 rupees, or less than the assessment of one year. So that the Government tax of 19 rupees, and 6 annas was undoubtedly within a fraction of the whole rent of the land. Now the question is, Is the Government in Arracan taking the whole rent of the land? If not, the difference of taxation accounts for the different conditions of the two countries.

"Let it, then, be added that much of the land in Madras is assessed from 9 up to 50 rupees, and that a great portion is lying waste because the assessment is more than the rent, and the argument is complete.

"Let the Madras peasant be taxed as lightly as the peasant of Arracan. It will be time to attempt a 'change of tenure' in Madras when the simple remedy of a reduction of taxation has been tried and has failed.

"The 'Friend of India' is greatly mistaken when he says, 'by the universal consent of all men, officials included, the evils which exist in Madras are traceable to its peculiar tenure.' He would have been right if he had said, by the universal consent of all who have studied the subject with candour, the evils of Madras are ascribed to the enormous pressure of its taxation, and wherever that pressure has been relieved the tenure has proved to be as admirably adapted to the wants of the people in Madras as it has in Arracan.

"In the Deccan, under the new assessment, the rates of lands are as follow:—In Poonah something less than 1s. an acre. In Indapore the average is 8d. an acre, and in Dharwar, the best class land, the famous black cotton soil, fetches on an average but 1s. 9d., the very highest being let at less than 3s. an acre. This may be as convenient a place as any to exhibit the results of this enlightened policy. Since the survey, the increase of average brought into cultivation up to 1854 is as follows:—

Poonah	179,232	Acres.
Ahmednuggur	260,000	„
Sholapore	456,645	„
Dharwar	292,756	„
Total	1,188,633	

and reckoning Nassich and Belgaum, an addition of a million and a-half of acres has been made to the cultivation of the province.

The Collectorate of Poonah is divided into eight talooks, and the following table of four, comprising eight years before and eight years after the survey, shows remarkably, first, the actual collections of the year as compared with the estimated settlement; secondly, how "remissions" have gradually dwindled; and thirdly, how balances have vanished.

Years.	Settlement of the Year.			Actual Collection of Land-Tax.			Remissions granted.			Balance irrecoverable, and struck off.		
Abstract. *Indapoor.*												
Prior	6,09,433	11	10	3,28,007	5	7	1,31,641	6	1	1,49,785	0	2
Subsequent	6,26,040	7	3	5,75,665	2	0	43,543	0	1	3,776	6	6
Increase subsequent to Survey	16,606	11	5	2,47,657	12	5	0	0	0	0	0	0
Decrease „ „	0	0	0	0	0	0	88,098	6	0	1,46,008	9	8
Beemthurry.												
Prior to Survey	5,91,359	9	5	3,97,531	11	1	1,84,793	11	0	8,992	13	11
Subsequent to Survey	6,34,610	3	6	5,49,974	0	0	79,455	3	6	161	5	10
Increase subsequent to Survey	43,250	10	1	1,52,442	4	11	0	0	0	0	0	0
Decrease „ „	0	0	0	0	0	0	1,05,338	7	6	8,831	8	1
Pabhool.												
Prior to Survey	6,25,165	1	7	5,10,716	9	2	1,11,299	3	2	1,634	7	9
Subsequent to Survey	5,93,317	0	7	5,73,255	14	10	17,583	0	11	20	0	0
Increase subsequent to Survey	0	0	0	62,539	5	8	0	0	0	0	0	0
Decrease „ „	31,848	1	0	0	0	0	93,716	2	3	1,614	7	9
Havailly.												
Prior to Survey	5,85,586	11	9	4,73,688	4	8	79,130	9	8	25,003	5	9
Subsequent to Survey	5,54,425	9	3	5,29,182	4	7	9,372	9	7	28	9	0
Increase subsequent to Survey	0	0	0	55,493	15	11	0	0	0	0	0	0
Decrease „ „	31,161	2	6	0	0	0	69,758	0	1	24,974	12	9
Total prior to Survey	24,11,545	2	7	17,09,943	14	6	5,06,864	13	11	1,85,415	11	7
Total subsequent to Survey	24,08,393	4	7	22,28,077	5	5	1,49,953	14	1	3,986	5	4
Total Increase subsequent to Survey	0	0	0	5,18,133	6	11	0	0	0	0	0	0
Total Decrease „	3,151	14	0	0	0	0	3,56,910	15	10	1,81,429	6	3

"Precisely analogous results have been found in the other Collectorates, of which, however, no statistical tables are procurable. We have no doubt the increase has been since progressive. Compare Madras next with Bengal; we find the rich, alluvial soil of that Presidency paying about 300 lacks on 100,000,000 of acres, of which about 70,000,000 are under cultivation; so that the average is only 8 annas per acre on the whole cultivated area. Or, according to another calculation which has been forwarded to us, we find that the permanent settlement of the Marquis of Cornwallis comprised an area of 149,000 square miles, say about 96,000,000 of acres, of which Colebrooke estimated one-third to be under tillage, (about 30,000,000 of acres,) and to pay Government 270 lacks, and that this also gave the right over the waste lands which were also productive, so that the average rent paid by the zemindars did not exceed 8 annas. At this date the average from the extension of tillage must be much less on the actual cultivation, and if we take two-thirds to be under cultivation, we can safely say that 70,000,000 of acres only pay 270 lacks of rupees, or 6 annas per acre. Munro clearly points out the difference under which the two Presidencies were acquired, a point which never should be lost sight of:—

"'The Presidencies of Bengal and Madras were acquired under circumstances which have ever since continued to influence their revenue system. Bengal acquired at once the dominion of rich and fertile provinces, yielding a revenue much beyond its wants; it had, therefore, no occasion to enter into any minute examination of the assessment; it was satisfied with what it got from the zemindars, and left them in possession of the lands on very easy terms. Madras, on the contrary, rose amidst poverty and many struggles for existence. It never was able to pay its establishments; it acquired its territories by slow degrees, partly from the Nizam, but chiefly from Mysore; and though the assessment had already been raised too high by those Governments, its own pressing necessities did not permit it to lower the demand, but forced it to enter into the most rigid scrutiny of the sources of the revenue, in order to keep it up; and there has, in consequence, always been a pressure upon the ryots, which nothing but necessity could justify.'

"In Pondicherry the French Government has made a reduction of 50 per cent. on the uncultivated, and of 33 per cent. on the cultivated lands. In Pegu the most fertile land, an alluvial Delta, annually manured by the natural overflow of the river, and requiring no artificial irrigation, is to be had at 2 rupees an acre. In 1854, the 'Englishman' informed us that the Calcutta Revenue Board had framed new rules for waste lands in Assam, which it was intended to extend to Arracan and the Tenasserim provinces. Forest and grass lands were to be granted on the same terms, one-fourth was to be exempt in perpetuity for sites of houses, roads, &c., the other three-fourths to be rent free for fifteen years, and afterwards to be assessed for ten years at 3 annas per annum per acre, and from the twenty-sixth year for seventy-three years at 6 annas per acre, the whole term being for ninety-nine years. In Madras, hill forest lands are granted rent free for five years, after which they are assessed at 1 rupee an acre for twenty years, at the expiration of which all is uncertainty, and the Government is free to levy what tax it likes upon the improvements of those who are bold enough to sink their capital in reducing the capabilities of the land.

"Thus we have completed the contrast between the Madras Presidency and the other portions of our Indian territories, more or less completely according to the various data at our disposal, but sufficiently for our purpose, which is to establish the assertion that Madras is more heavily burthened than any other portion of the empire; and this we take it is now so clearly proved, that it must be henceforth an admitted fact in any future argument on the subject. These are the differences which it is essential to bear in mind, where the question for consideration is how the backward state of Madras, as compared with the other portions of the empire, is to be accounted for; it is the most delusive, self-deceptive fallacy to exclude these causes, and saddle the whole blame upon the system of collecting the land revenue. Let Madras be granted similar privileges with the North-West, the Deccan, Arracan, Pegu, Assam, Pondicherry; let her assessment be reduced to the level of even the highest of theirs; let her be provided with the same physical materials of advancement, in the shape of roads and irrigation works; let her have only a fair per-centage of her revenues laid out upon the soil, and

the means of exporting its produce, and then, if the people do not rise in wealth and social prosperity, let ryotwarry be universally proclaimed the one prohibitive cause of stoppage and degradation—but not till then; especially when, look whichever side we will where ryotwarry is in force, we find that the boons we ask have no sooner been granted, even in part, than there is as elastic and immediate a spring towards improvement as under any other revenue system whatsoever. We assert that the particular form of revenue system is, in reality, the least important of all questions when we are deliberating upon the measures necessary for regenerating a country. Our reasons for preferring ryotwarry to either a zemindarry or village system have been already sufficiently insisted on. We say that it is the simplest and most rational of all forms; that it is not only compatible with protection to the ryot, but that administered in that simplicity which characterized it in the intentions of its founders, minute interference—which is supposed to be its greatest curse—is not even necessary, but, on the contrary, necessarily vanishes. Sir Thomas Munro points this out with his usual felicity. 'It has been objected,' says he, 'to the ryotwarry system, that it is intricate, difficult of management, and expensive; but experience contradicts these opinions; for, wherever ryotwar has been properly established, it has been found to be more easy, simple, and efficient, than any other kind of settlement. The idea of its being more expensive arises from not considering that it *includes all the expenses of collection which would be incurred by zemindars if the country were under them, and which would in that case be necessarily deducted from the amount of revenue, and not appear as a charge.*'

"These three objections are still alleged in the present day. With regard to the last—the greater expense of collection—Munro has hit the white; and this is precisely what has occurred in Bengal. A writer in the 'Calcutta Review' expands our views on this subject, and probes the details as follows:—

"'First, then, as to the cost of collecting the revenue. According to the published official accounts for the years 1845–46 to 1849–50, the charge for collecting the land revenue (with the Abkari and Moturpha in Madras, and the Abkari and Sayer at the other Presidencies) was 9¾ per cent. in Bengal, 9½ per cent.

in the North-West Provinces, 13⅝ per cent. in Madras, and 14⅜ per cent. in Bombay. But we propose to show that those accounts are fallacious on this point, inasmuch as the term "charges of collection" is very far from containing the same classes of particulars in all the four cases. We have already shown that the expenditure on works of irrigation, to the amount of 5,55,000 rupees annually, is improperly included among the costs of collection at Madras; and to this must be added about two lacks for the Civil Engineers and establishments belonging to the Tank Department, making a total of seven and a half lacks, or nearly two per cent. on the land revenue collection. This however, is very far from being all; and we now proceed to show that items to a very much larger amount, which are certainly part of the cost of collection, and which are no less certainly paid by Government, do not appear in the accounts of Bengal and the North-West Provinces, while at Madras similar charges are exhibited among the costs of collection.

"'One great difference consists in this, that, under a ryotwar settlement, such as that prevailing in the greater part of the Madras Presidency, where the whole revenue is directly collected from the individual ryots or occupiers of land by the agency of Government servants, large expenditure appears in the accounts for the salaries of such agents; while, under a zemindarry settlement, such as that of Bengal, or a system of village leases like that of the North-West Provinces, still larger sums are permanently remitted—to the zemindars in the former case, to the collective body of villages in the latter—for the expenses of managing and collecting the revenue. It is surprising that the present anomalous and fallacious mode of comparing the costs of collection under the several Presidencies has been allowed to continue so long, and that a fair mode of making the comparison has not yet been devised. It cannot be ascribed altogether to oversight; for the facts, as we have briefly stated them, were brought prominently forward by Mr. J. Mill, in his examination before the Select Committee in 1831. He there clearly explains* why the charges of collection appear larger under Madras than in the other Presidencies, alleging the same causes which we have assigned. His evidence on this point

* Q. 4077-99.

extends to too great a length to be extracted here in full, but the following is its purport. The charges of collection in the accounts then before him were from 15½ to 17⅓ per cent. in the ryotwar provinces of Madras; in Bengal 6½ per cent.; and in the Upper Provinces from 9⅓ to 10¾. Mr. Mill truly explains the difference to be owing to the greater cheapness of collecting a fixed revenue under a permanent settlement, where an allowance, exceeding the actual cost of settling with and collecting from individuals, has been already struck off in making the settlement, and so does not enter into the accounts at all. Thus, in Bengal, the apparent costs of collection were 6½ per cent.; but, in forming the settlement with the zemindars, 10 per cent. was allowed them for the costs of the detailed process, and was struck off the jumma; and this, being added to the present actual charge to Government, at once raises the proportion to 16½ per cent. And Mr. Mill adds, the one-tenth allowed to the zemindars has, in the course of improvement, become two, and even three or four-tenths; so we may safely say that the real costs of collection in Bengal, at this time, are at least 25 per cent. on the amount paid by the actual occupants of the land, being very much higher than the highest per-centage under ryotwar settlements at Madras.

" ' We are unable to state precisely the amount allowed from the jumma, for the detailed processes of collecting the revenue, in the recent village settlement effected in the North-West provinces; but as far as we can gather from the published documents respecting it, which we have had the opportunity of seeing, it was generally 10 per cent. there also; and this, added to the 9 per cent. directly borne by Government as above shown, raises the total cost in those territories to 19 per cent.—again exceeding the highest proportion at Madras, even including the outlay on irrigation, there improperly entered among the costs of collecting the revenue. Nor is even this the whole. Mr. Mill adds, that various local expenses are, under the Madras Government, included among the costs of collecting the revenue, though having no connection with it at all. A careful consideration of the published annual accounts leads to the belief that this is still the practice to some extent, though we are unable to specify the probable amount.'

" The other two objections, intricacy and difficulty of manage-

ment, fall under the same head, because they are attributable to the same causes. It is we ourselves who have introduced the intricacy and difficulty. It is the exorbitant assessment which is the primæval origin of these evils. It is the necessity of squeezing out of the ryots far more than they can pay without utter ruin to themselves, that has ushered in all the minute interference with every agricultural operation, and compelled us to maintain an army of 40,000 peons, to bully, torture, and extort. It is the voluminous and useless accounts which we call for, that makes the working of the system intricate; the keeping of these accounts in Mahratta, which none but the writers understood, and which had to be translated before they could even be read by revenue officer or ryot, that has added to that intricacy. It is to our overlaying the simplest fundamental rules with a host of minute exceptions; to our departing from our pledged faith, and saddling the ryot with the cost of his own improvements, and making them profitable to us rather than to him; it is to the introduction of such cruel absurdities as the compulsory delivery up of "good and bad" in equal portions, the unnecessary issue of superfluous puttahs, and all the long catalogue of similar excrescences engrafted by us on the original plan, (all attributable to our departure from the object of Munro and Reid), to secure the profits of the zemindar or middle man to the ryot himself, and the endeavour to transfer them, together with as much more as could be wrung out of him, to the pocket of the Government, that we owe whatever of intricacy or difficulty our Collectors have laboured under. We admit that they have been enormous; but so far are they from being inherent in the system, or essential to its maintenance, its necessary concomitants and props, that we have the clearest possible proofs to the contrary. Canara is a standing example of the ease and simplicity with which the ryotwar may be administered, when shorn of its abuses, and reduced to something like what its originators intended it to be. When that state of things has been once reached, in which there are neither remissions to be made, nor balances to be collected; when the dispute among the people is not who shall be *made*, but who shall be *allowed* to pay the revenue, our minds may be perfectly easy as to the facility with which the Collector gathers, and the cheerfulness with which the people render their dues.

There is then neither necessity nor even room for minute, vexatious, extortionate interference in every operation, and at every season of the year. All the malpractices of the subordinate revenue officials are weeded, and die out by a purely natural process, which works its own effect silently, but surely."

Next, let us contrast portions of Madras where the assessment has not been lowered, with portions where it has.

As to picturing the former, I will leave it to each man's imagination to fancy it as wretched as he can. There are two districts, however, Canara and South Arcot, where the assessment has very recently been lowered, which furnish us with precisely the illustrations we are in search of. The facts are taken from an article by a Madras Civilian of great reputation, in the "Calcutta Review" for December, 1853.

Let us see then what has been done of late years for Canara, and what have been the results.

The first measure, (in what year does not appear), was to relieve the estates from a demand of 1,74,000 rupees, and "at the same time the languishing commerce of the coast was revived by a reduction of the duty on rice from 10 to 3 per cent., at a sacrifice of 1,40,000 rupees."

"In 1833," continues the same writer, "the demand upon a large number of estates, which failed to come up to the reduced standard, or to which the previous revision had not extended, was reduced to an amount adjusted to their capabilities. The effect of this has been most remarkable, and agriculture has made a great advance. The pressure thus withdrawn, was a sum never really added to the revenues of the State, while it disheartened the landholder, and discouraged improvement. From the date of its withdrawal, the increase of the Government revenue has been unchecked.

"The next great measure of relief was the abolition of the transit duties. With a frontier of 300 miles, these pressed with perhaps greater severity upon this than upon other districts, and under this head was included an excise upon the staple products, betel nut, pepper, and cardamums. This measure relieved the province from taxation to the extent of 300,000 rupees, and has changed the entire state of the garden cultivators from one of indebtedness and poverty, to affluence and content.

"The abolition of sea customs from port to port, and of all duty on cotton in transit to Bombay, has effected for the sea-borne trade what the last great measure had done for that of the interior, and nearly a similar sum of 300,000 rupees has been remitted to the traders of the coast.

"A still greater boon has since been conferred. A tobacco monopoly had been established in this province, and taxation could not possibly assume a worse form; and not only were its own inherent evils of the greatest magnitude, but so long as it existed, the abolition of the transit duties failed of half its advantages. Search on the frontier, domiciliary visits, and oppression of every kind, could still be practised under the pretext of zeal for the interest of Government. This has now been swept away, and the country is released of a taxation which may be reckoned at 200,000 rupees.

"Concurrently with these measures, there has been steady advance in the recognition of the claims of a large province to the aid of Government, in the construction of public roads. Since 1837, above 500,000 rupees have been expended, we will not say on the improvement, but in the creation of public roads, chiefly from the coast, through the line of mountains, to the table land of Mysore, Bellary, and Dharwar; and most amply has the expenditure been reimbursed. Every year, for the last seventeen years, has seen many miles of road opened to commerce, and it has seen them crowded, as soon as made, by thousands of bullocks and hundreds of carts. In a country where this first duty of the ruling power had been neglected from a traditionary age to the present time, what could be done in fifteen years with small means, is but a fraction of what is due to the country; but it marks a most important era in its progress."

This account is the more valuable, as it shows us what is the effect not only of reduction in over assessment, but how wise is the policy of abandoning oppressive duties and taxes, such as those on tobacco, rice, transport, export; combined with a simultaneous outlay in the improvement of means of communication. And how triumphant a refutation, Canara, which is a "picture in little" of what might be a full-length portrait of the whole of the Madras Presidency, affords to those who assert that the East India Company cannot afford to make what are pleasantly called *sacrifices* of its revenue! In all, the remissions

or *sacrifices* have been upwards of 1,100,000 rupees, while 5 lacks of rupees have been expended in the creation of roads.

The writer of the article in question has thrown the results in the following tabular form:—

Population and Revenue of Canara, exclusive of Coorg Maggaties.

Years.	Population.	Land Rev.	Moturpha.	Abkarry.	Salt.	Stamps.	Ferry Farms.
1802 ..	592,635	.....	.....	9,761	(1806) 2,56,847	(1808) 12,074	(1804) 837
1832 ..	718,333	16,18,817	8,989	39,443	2,48,838	29,444	2,789
1852 ..	999,011	18,28,846	16,492	78,901	4,43,175	55,519	9,452

	Imports of Copper.	Dates.	Piece Goods.	Total Imports.
1812 ..	3,196	2,861	1,31,589	3,44,563
1837 ..	43,463	12,938	1,02,659	5,83,243
1852 ..	68,536	27,702	1,71,705	9,89,096
1853 ..	40,967	59,591	2,53,748	14,32,153

	Exports of Cotton.		Coffee.		Rice.		Total Exports.
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	
	Candies Mds.		Candies Mds.		Moorahs.		
1812 ..	2,874- 6	3,05,436	3-16	643	12,35,853	24,17,536	33,77,763
1837 ..	15,294-16	13,70,415	176-16	17,681	10,77,949	18,85,960	41,89,786
1852 ..	28,888- 5	15,74,133	3,153- 8	1,60,527	14,63,029	21,28,377	51,89,785
1853 ..	71,261-14	42,79,238	4,117-18	2,22,039	13,15,564	18,68,668	73,68,072

Since 1837, or, in other words, since the era of "*sacrifices*" commenced, population has increased by a third; exports have nearly doubled, imports nearly trebled themselves; while every item of Government revenue, directly from the land, and indirectly from Moturpha, Abkarry, salt, stamps, and Ferry farms, shows a considerable improvement.

Under such a state of things, the assessment, as might be expected, is easily collected, and readily paid; there can be little or no room for extortion on the one hand, or need of bribery on the other. Native agency is rendered harmless.

"The collections of the land revenue," says the writer of the article, "are made with striking punctuality, and the balances irrecoverable are of the most trifling amount. Those struck off in the last five years on account of losses by floods, or fire, or other causes, contrasted with the settlement of the year, afford convincing proof of this.

Year.	Assessment.	Struck off.
1258	18,85,476	714
1259	18,96,603	986
1260	19,04,731	199
1261	19,14,101	53
1262		174

There are, at present, in Canara, 55,000 holdings, of which 19,000 pay less than 10 rupees a-year, and yet sales for arrears of revenue are almost unknown, and the reference to the European officer is as frequently on the question—who shall be *allowed* to pay, as who shall be *made* to pay, the dues of Government?"

Land, where a distinct title can be placed, is easily saleable at sixteen years' purchase, and often even higher; and this, where, fifty years ago, even mortgagees were willing to abandon such land as they could not themselves cultivate, to any who would pay the land-tax.

Let us now return to South Arcot.

The condition of this district, the most highly assessed of any in the Presidency, previous to the reduction introduced there by Mr. Edward Maltby, its enlightened Collector, may be broadly stated, in his own words, as that of ruin and stagnation. The assessment was fixed at 50 per cent. of the gross produce.

Assessment was fixed on some lands on the supposition that they could give a second crop. These were entered in the accounts as lands "suspected or doubtful of two crops." Dry land was reckoned as garden, because a well was dug in it, and a more valuable description of produce grown; and, in short, South Arcot may be looked upon as an example of the most fatal errors committed in the administration of ryotwar. After fifty years of undisturbed peace, with a largely increased population, with a favourable soil and climate, with outlets for its production at Madras, Pondicherry, and the seaports along its own seaboard, we find "more than half the land was uncultivated,—the labour and capital of the country being driven to the inferior soils;" that "a moiety of the assessment was uncollected and merely nominal;" and that while "the best lands lie waste, numbers of its inhabitants seek subsistence in foreign emigration." In 1853, Mr. Maltby took the matter in hand, and the result is shown in the invaluable Public Record, No. xxii, on the "Revision of Assessment in South Arcot." In August, 1854, the Government sanctioned reductions on the following scale:—a maximum reduction of 25 per cent. on wet land; of 35 per cent. on the eight highest classes of dry land, and 25 on the four lowest; and by sanctioning the reduction of one anna per cawney for district roads. It was anticipated that by this reduction, the Government would give up about 3 lacks a-year on land thus under assessment; but, on the other hand, it was argued that so much fresh land would be taken up under the reduced rates, that the deficiency would be very soon made up. How just was this reasoning is apparent by the following "Notes, on the Results of the Reduction of Assessment," which close the Record, No. xxii.

"In closing this collection of papers, it may be well to mention a few facts to shew the result of the reduction made in the assessment so far as there has yet been time to develope them.

"The modification of the rates of assessment was made known in Fusly 1264, some months after the commencement of the Fusly, and when the principal season for cultivating the dry lands was past. Nevertheless, the cultivation of that year exhibits an increase of 38,395 cawnies over the preceding Fusly. Of this increase, 17,673 cawnies consisted of irrigated land, and

an additional revenue of 3,19,183 rupees was thus gained, to balance in part the 6,22,324 rupees given up to the people in the modification of the rates.

"In Fusly 1265, the reduction of the assessment was generally known, but cultivation was greatly checked by the scantiness of the early rains, and the district officers had not had leisure to settle all the contending applications for permission to take up waste lands. Notwithstanding these impediments, however, the cultivation accounts, closed at the end of Urpasy, or the 11th November, 1855, show a further increase of 84,007 cawnies in the unirrigated lands, and of 9,304 cawnies in the irrigated.

"The cultivation of the last six years is shown in the following statement; and it will be observed that, although the current Fusly 1265 is still incomplete, its cultivation up to the 11th November exceeds the highest year on record by 75,002 cawnies, or above 15 per cent.

Fuslies.	Dry Land.	Wet Land.	Garden Land.	Total.
	Cawnies.	Cawnies.	Cawnies.	Cawnies.
1260.....	3,53,720	1,18,434	1,337	4,73,491
1261.....	3,63,284	1,31,201	1,498	4,95,983
1262.....	3,53,848	1,24,725	1,466	4,80,039
1263.....	3,20,659	1,17,468	1,564	4,39,691
1264.....	3,41,381	1,34,651	2,054	4,78,087
1265.....	4,25,380	1,43,551	2,054	5,70,985

"The assessment on the lands cultivated in the current year is not known, but it is calculated that if the cultivation reaches 600,000 cawnies, the revenue given up by the reduction of the rates, amounting to about 7 lacks of rupees, will be at once made good. This result is by no means improbable, even in the current year, as two cultivating months remain, in which the extensive indigo lands are sown, besides cotton and tobacco being cultivated.

"Of the gross increase of cultivation in the present Fusly, amounting, on the 11th November, to 93,311 cawnies, 89,111 cawnies occurred in the ten Hooloos talooks, where the assess-

ment has been formerly reduced. In the remaining three talooks, temporary remissions are allowed at fixed rates until the assessment is revised.

"Whether or not the full amount of the revenue given up in the reductions is recovered this year, there seems no rational room for doubt that in another year or two there will be an actual and permanent increase of revenue, as a consequence of the reductions; and this, it must be remembered, in addition to the Road Fund of 30,000 or 40,000 rupees a-year, for the improvement of the district roads.

"Fort St. George,

"*December* 17*th*, 1855."

A Table, to be found in Appendix, exhibits, in a comprehensive form, the entire operations of the ryotwar in South Arcot, from 1845 to 1856.*

It may not be out of place to mention that the low rate of assessment enabled Mr. Hall, to whom it fell to carry out Mr. Maltby's reform, to insist upon payment for land left fallow, so long as it was not thrown up. This is a grand point, because it at once sweeps away the necessity of that constant minute interference of the native revenue authorities, with a view to ascertain how much of a man's holding was cultivated;—a necessity which gave scope for bribery by the ryots, and extortion by the peons, to a vast extent.

Dry as this subject is, these details, if they are once mastered, must relieve me of the necessity of proving that if the conditions pointed out are fairly laid down, the class desired by the "Friend of India," which "shall have the means and leisure for permanent improvement," must grow up rapidly and spontaneously. If these conditions, as I have said before, avail not, none will.

I have shown, unmistakeably, I think, that in theory the ryot is the proprietor of the soil. Munro said, give him his lands over

* In the present year it is estimated that the revenue will fall short, by nearly 8 lacks. But there is no argument against the soundness of the reform. It arises solely from the want of rain, which has compelled the ryots to throw up their land; which will come at once into cultivation again when the season is more favourable. This fact, however, suggests one reflection:—How much water could have been stored by the expenditure of 8 lacks of rupees expended in anicuts and river improvements, so that the breadth of cultivation should never again depend upon the precarious supply of rain?

in perpetuity whenever he applies for them; and the Indian and Home Governments have both, within the last two years, acknowledged that this is the fundamental principle of the ryotwar. Lord Harris, I am aware, has caused a seeming confusion, by having stated in one minute that the ryot is the proprietor, and in another that the Government is the proprietor. In his minute of 26 October, 1854, he maintains this latter proposition: "The land of a country," he writes, "belongs to a Government *de facto*, and should be held by it and distributed by it among the population, in such a manner as is likely to cause it to be most beneficially cultivated, both as regards the interests of the cultivator, and the whole community." That is nearly the doctrine of the Socialists. Further, he says, the Government is to be "the great landlord," the tax-payer is to be the "tenant of the state on liberal terms." The ryot is not to have the "fee simple of the land, which is considered almost a *sine quâ non* in England."

But in a later state paper by Lord Harris's Government, the Madras report for 1856-7, there occurs the following passage:—

"Under the ryotwarry system, every registered holder of land is recognized *as its proprietor*, and pays direct to Government. *He is at liberty to sublet his property, or to transfer it by gift, sale, or mortgage. He cannot be ejected by Government so long as he pays the fixed assessment*, and has the option annually of increasing or diminishing his holding, or of entirely abandoning it. In unfavourable seasons, remissions of assessment are granted for entire or partial loss of produce. The assessment is fixed in money, *and does not vary from year to year*, except in those cases where water is drawn from a Government source of irrigation, to convert dry land into wet, or one into two-crop land, when an extra rent is paid to Government for the water so appropriated; nor is any addition made to the assessment for improvements effected at the ryot's own expense. *The ryot, under this system, is virtually a proprietor on a simple and perfect title, and has all the benefits of a perpetual lease*, without its responsibilities, inasmuch as he can, at any time, throw up his lands, *but cannot be ejected so long as he pays his dues;* he receives assistance in difficult seasons, and is irresponsible for the payment of his neighbours."

This is adopted by the Supreme Government, and in the Court of Directors' Memorandum of improvements during the past

thirty years, it is expressly stated that "the actual cultivator, the peasant himself, is regarded as the proprietor of the soil, subject to the payment of the Government demands."

Is it not amazing, then, to find the Government, in the very same breath in which it calls the ryot the proprietor, the perpetual leaseholder, propose to cut his estate down to a term of thirty years, after which his rent may be raised upon him? Surely this is in derogation of his right? and what the Government has no power to carry out. The fact is, that Munro's settlement was as final as that of Cornwallis. Upon this I have written as follows:—

"The ryot is virtually a proprietor on a perfect and simple title, and has all the benefits of a perpetual lease, without its responsibilities, inasmuch as he can, at any time, throw up his lands, but cannot be ejected, so long as he pays his dues.

"If these words have meaning, they mean that the ryot has the fee simple in the land, subject to the payment of a quit-rent reserved by Government.

"And this is precisely our conception of what the ryotwarry system was intended to be by its original framers, Read and Munro. If this leading idea be once fully comprehended, and steadily adhered to, and faithfully worked out in all its consequences, fortunate will it be for the Government, fortunate will it be for the people. But at the very onset, we are met by a contradiction. If the tenure of the ryot be, as it is here denominated, a *perpetual* lease, why is it to be limited for thirty years, according to the 'blockhead' system, or fifty years, according to the proposition of the Madras Government? Is not every term, be it longer or shorter, a curtailment of that which is 'perpetual?' And if we tell the ryot that his tenure is perpetual, by what right, or with what justice, do we in the same breath inform him that without any consultation, explanation, or consent on his part, this perpetual tenure shall be cut down to half a century, or thirty years? Is this really giving him a greater interest in the soil? Is it not, in sober truth, giving him a less? And is it not altogether a mistaken idea to suppose, that by bestowing on the 'proprietor' of the soil, a 'long lease,' we shall stimulate, or inspire him with confidence, if his present perpetual tenure has failed of this effect? Are not the want of confidence, the indif-

ference to good farming, the apathy of the ryot, to be attributed to other causes? and are they not to be sought for and found in the heaviness of his assessment, the harassing amount of petty interference with every operation of his agriculture, the chicanery and corruption of the revenue servants, and the utter inefficiency of our judicial system, which is tantamount virtually to a thorough bar to all redress?

"This confusion of ideas, which thrusts a 'long lease' upon the 'perpetual' leaseholder, is, we think, attributable, partly to an oversight of the ryot's real title; partly to that vacillation which halts between two opinions, and hesitates to draw the legitimate conclusions from premises which are not denied. It is thought that a permanent settlement is a monstrous folly; that there is no reason why a Government hereafter, in want of a larger revenue, may not re-open the question of assessment, with a view to obtain a revenue adequate to its wants, while it would not press heavily upon the improved condition of the farmer. What, it is asked, would be the position of the Government, if there were a sudden emergency, such as a foreign war, requiring vastly increased expenditure, and heavily drawing on the resources of the Government, already not more than adequate to the securing all those objects of administration which in their sum make up good government? In such a case, we say, let the extraordinary emergency be met by extraordinary, but temporary measures. Let a war tax of five or ten per cent., or whatever is necessary, be levied, and cease with the termination of hostilities; just as in England the war ninepence is called into existence by, and dies with the war. But do not let such shadowy imaginings as these come in to cloud the future prospects of the ryots. When once the proportion which a Government may justly claim has been fixed, be it 35, or 40, or 45 per cent. of the net produce, let no element of doubt supervene, which shall make men suspect or fear that proportion is not fixed *for ever*. Let them not be cut down from their perpetual lease, subject to the payment of that fixed proportion, by being told that though this may last for a longer period, it need not necessarily last beyond fifty or thirty years.

"But, it is urged, this is all in clemency to the ryot. The tendency of the price of grain is to fall; experience shows that prices have fallen since Munro's time 40, 50, 70 per cent., and on such

an event again occurring, it might be fair to take a less proportion of the produce. But the answer is patent. The proportion, if it is fair once, is always fair. The hardship upon the ryot is by erecting an invariable standard of value. Let this be revised once in seven, or once in ten years, and adjusted according to the average of the preceding seven or ten years, the commutation price ever fluctuating with the price of grain, and while the Government will profit by a rise without damnifying the ryot, the ryot will never be ruined, or even straitened, by a fall in prices. Nor is any interference with the operations of the ryot necessary on this account. Minute statistical information of the market rates of grain may be kept in each district, the more publicly the better, and thus the data for striking the averages be complete. But what is there in common between this measure, and that of limiting the ryot's lease to fifty or thirty years? If the average can be struck at the end of the first seven years, so can it at the end of every successive seven years *ad infinitum;* that is to say, throughout the entire duration of the ryot's *perpetual* lease.

"The ryot is now recognised as the proprietor of the soil; his title is declared to be 'simple and perfect;' his tenure is admitted to be a perpetual leasehold, subject to the payment of the Government dues.

"Those dues having been fixed upon a principle of fairness; assessed upon the lowest kind of crop, say rice; and the proportions in which the Government and ryot are to share respectively, settled; the elements of prosperity will have been secured; the seeds of confidence will have been sown: let it be proclaimed that these proportions, and the principles on which they are fixed, shall not be liable to future change, and the harvest will speedily be reaped. Let the Government take, then, all those steps which are necessary to secure a knowledge, and provide a record of its rights on the one hand, and which are necessary to diminish revenue official interference to its possible minimum on the other; and all the conditions for prosperity will have been laid down. Matters may then be left to take their own natural course. These measures are a revenue survey conducted by honest agency and on scientific principles; and an edict that every ryot shall pay for the whole of his holding whether he cultivate it or not; just

as in England the tenant pays his yearly rent for his entire farm, notwithstanding he may leave a fifth of it fallow. If a ryot wishes to diminish his holding, by all means let his puttah be altered; but do not reserve to him a right to reclaim his abandoned land for a long series of years. If he has not sufficient means to cultivate his entire holding, let any one who will, cultivate that portion which is thrown up. Thus will be superseded all that official interference which is now necessary for verifying the extent of each man's annual cultivation, and which we see no other means of extirpating than by insisting on this fair demand, that every tenant shall pay for whatever he chooses to retain a claim over, whether he cultivates the land in a particular year or not.

"We have hopes that people, at any rate in India, are throwing off their misconceptions of the real nature of ryotwarry. That they at last see that the excrescences and vicious engraftings which have disfigured the bark of the old tree, are superficial, and that the tree itself is sound and vigorous to the core, and capable of flourishing and bearing fruit. Especially do we cling to this last manifesto of the Governments of Madras and India. The ryot is a proprietor; his leasehold is perpetual. Let this idea be generally adopted; let it be as widely acted upon as possible, as universally, and invariably. Let it be published in every village. Let no doubt be cast upon it either by issue of leases for fifty years, or by the annual issue of fresh puttahs in any district, or in any case, except when the holding has been altered. This done, let the Government forthwith earnestly bend its every effort to the task of producing those conditions which will render land valuable. With a revenue survey, let there be a thorough revision of the Hookumnamahs; a plain, intelligible, comprehensive, liberal set of rules embodying the various *ordered* improvements and reforms of the last few years, should be forthwith drawn up, published in every collectorate, and in every village; affixed to every office, promulgated to every villager; so that not a man in the land, but shall know that he may improve his property, and put the profits into his own purse; let the reductions in assessment be at once carried out, whenever the present rate is manifestly too high, without waiting for the survey; and then the ryotwarry will be found to be

nothing more or less than the natural system under which every kingdom in the world's history has risen to prosperity."

I have said that Munro's settlement was final; by which, however, I do not mean that the assessment was not open to being lowered. In fact, it was part of his original plan that it should be lowered 15 per cent. upon his own estimates; and he afterwards recommended a reduction of 25 per cent. all round. But, independently of this reduction, which never was carried out, it is apparent that if the circumstances of the country ever so altered, that what was a fair assessment became a burthen too grievous for the people to bear, the Government *must* reduce it for its own sake. But as *against* the Government, I hold that settlement was final; they never could *raise* it. They have no right to share in the increased value of the land, that value being given, not by them, but by the owner's sinking his capital in it. The Government is not in the position of a private landlord. I pointed this out not long since in a former work.* Government has since expressly endorsed that view. In a minute of consultation on the commutation rates (11th May, 1855,) the Madras Government writes:—"The Government of a country is not in the position of a landlord, justly entitled to take the whole surplus produce of the soil; all that it can claim is a revenue sufficient to secure the objects of Government, viz., to maintain peace and order, and to execute those works of public utility, the promotion of which, in this country, is held to belong to Government."

If the Government requires a larger revenue, it appears to me that it will most effectually obtain it by lowering, not by raising the assessment. The results of both plans are before us; while a high assessment throws a vast breadth of land out of cultivation, and drives the population to emigration, a low assessment, as in South Arcot, rapidly increases the area of agriculture, and consequently the amount of revenue. Let Government require what funds it may, there is ample margin for raising the amount without levying any additional tax. There are 90,000,000 acres of land in the Madras Presidency; deducting 20,000,000 for roads, houses, rivers, and tanks, there remains 70,000,000. At the lowest estimate

* "Madras," page 201.

35,000,000 of these are cultivable. But Government has only 20,000,000 under cultivation, having 15,000,000 more to be brought under the plough. A modification of assessment would effect this. There remains another mode by which Government may raise its resources. Let it sink capital in the stowing of water in large masses, according to Colonel Cotton's plan—and a Civil Engineer reports that there is no difficulty in carrying out this operation on the Neilgherries,—and then the thing is done. For water quadruples the crop in quantity, often doubles it in value as to kind, and trebles the security of reaping it. Land thus becomes twofold more valuable; and Government may lay a tax or rent fivefold that charged on land not irrigated; thus, not only paying the interest, but returning a fair profit on the sunk capital.

If this tenant right of "perpetual lease" be admitted, and the position of the Government as above laid down be the true one, *cui bono* keeping up the uncertainty which must attach to renewable leases? Why not at once act up to theory; and if it be acknowledged that the ryot is a perpetual leaseholder, give him a document of title to that effect?

The ryotwar system is the simplest conceivable. It is impossible to give a title more effectual. No change of tenure can be necessary. All that is required is to carry out ryotwar itself promptly, honestly, and boldly.

A great outcry has been raised against the ryotwar because it has been supposed to be incompatible with security of title. I have shown how ill-founded this idea is. We must, however, I admit, make our practice square with our theory. Hitherto, like the rower, we have looked one way and pulled the other. There are certain other steps which may be taken with a view to rendering assurances secure. The first is a general registration, which, to be of any effect, must be compulsory. The existing regulation for the registration of deeds* is a mere dead letter, because it is not compulsory, and the benefits derivable from it are scarcely appreciable by the people in general. In 1856, there were but four documents registered in Chicacote, two in Ganjam, eight in Vizagapatam, nine in Masulipatam, nine in Salem, twelve in Coimbatore. On the other hand, in Canara, where land

* Reg. xvii. of 1802.

has acquired a considerable value, the registrations amount to 2727, and have kept at that average for the last five years—a fact which shows that the people will resort to registry freely enough under particular circumstances. Still, I think that the new act should render registration compulsory. The penalty for non-registry, it has been thought by some persons of great experience in Madras judicial affairs, should be the rejection of non-registered documents when tendered in evidence; whether this is the best penalty that can be devised, or whether it is indeed a wise penalty at all, may admit of much discussion. I desire to express no opinion on the point. All transfers should be executed on stamped paper, and registered. More precaution should be taken against the fraudulent use of stamps than at present; and the Revenue authorities should give a yearly receipt to that party who pays the rent, specifying not only the amount received, but the land for which it is paid. These receipts would be *primâ facie* evidence of occupancy, a point of constant litigation at present; and another advantage would be, that while they rendered titles secure, they would also decrease litigation, and diminish the facility of forgery, perjury, and subornation of perjury in the Courts of Law.

It is admitted on all hands that a thorough revenue survey, conducted on scientific principles, and by honest agents, is indispensable. Village maps, and substantial boundary stones marking the limits of present estates, must be provided; the only question on this topic is, whether the operation shall crawl over the country at the rate proposed by Lord Harris, which will bring it to a close in about thirty years, if no interruptions intervene; or, whether steps ought not to be taken for a rapid completion of this essential measure, by starting from many centres instead of from one, so that various districts may be surveyed simultaneously. The objection is that by the former arrangement the expense will be spread over a long period of years; but I apprehend that this consideration should not be allowed to stand in the way of an undertaking which will of itself go far to settle, and secure, and simplify men's titles.

Lastly, as to the proposition which has been made for "redeeming the land-tax." Among others, Mr. Norton, the late Advocate-General of Madras, has published a pamphlet on this subject,

which I learn, has met with a certain success in England. That was natural. I have glanced at the reason in my remarks on another topic—Who is to pay the cost of the rebellion? But now I would crave to go somewhat deeper into the matter, because it is one of such primary importance to the future of India, that it is highly desirable to obtain clear ideas upon it. Some persons are favourably disposed towards this scheme from a dim notion that they will thereby secure the ryot a title for his land. I have already shown how vain such an idea is; and, in truth, it arises from a confusion of thought. It is clear that the ryot may have just as good a title to the land he holds, whether he holds it subject to a certain fixed tax, or free from future payment of that tax, because he has redeemed it by a ready-money payment. The measures I have suggested in this chapter will assure the ryot the most perfect title; and in this aspect, redemption of the land-tax is simply unnecessary. But, on the other hand, it is fraught with peril. It remains to consider it in two points of view; that is to say, whether we could safely trust the Indian Government with the funds which the measure, if successful, would place at its disposal; secondly, whether it would really confer upon the present owners and holders of the soil those benefits which their philanthropic auxiliaries fondly hope would be the consequences of a general redemption.

On this topic I lay before my readers the arguments which have appeared in the "Madras Athenæum," not indeed proceeding from my pen, but written at my request, and after consultation with myself, by a gentleman every way qualified to discuss the subject:—

ARTICLE I.

"It is to be hoped that in this time of financial embarrassment, there will be no empirical tampering with our legitimate sources of taxation. It is to be feared that any fortuitous shift or expedient, however pernicious its ultimate result, will be had recourse to for the sake of tiding over the momentary embarrassments of this country. It is probable that such a measure, by promising to divert every portion of the costs of the revolt from the pockets of English tax-payers, would add to the popularity of the minister. It is fortunate, however, that there are at present in England numbers of experienced persons from India, who would

set all the weight of their very considerable influence against any quackery being tried in the revenues of this country. The question of taxation is altogether independent of political differences as to forms of administration. Irreconcilcable as these differences may be, we are certain that they obtain among many persons who have but one great object in common, namely, the good of the country. Any attempt to play tricks with the revenues of this country should unite in opposition to it all Indian politicians, however bitter in other respects may be their antagonism.

" It is one of the misfortunes of human nature that the best friends of a country are frequently the causes of many of the evils that befal it. A man distinguished for virtue, wisdom, and patriotism, is nevertheless fallible; and may get a crochet in his head, which, if put into operation, would ruin the country that he would make any sacrifice to serve. Now, of all the crotchets that are springing into existence out of the excitement produced by the present crisis, there is none so fraught with evil as the crotchet about the redemption of the land-tax. There is absolutely in existence a class of politicians, who, contrary to every dictate of prudence, foresight, and every sound principle of political economy, would sell for a sum of money, the portion of the rent of land which, in India, has from a period beyond history, been reserved for the purposes of the state. Without being able to devise or even suggest another impost to replace the tax which they would dispose of, they would place in the power of Government the means of present prosperity at the cost of future ruin. It is not sufficient that they have seen millions raised and squandered to no purpose by every Government in existence. It is not sufficient that even in England, they have had constant examples of taxes being collected for one purpose, and expended for another. It is not sufficient that they have seen an income-tax take the successive forms of a peace-tax, a war-tax, and then a peace-tax again, according to the exigencies of the Government in office. It is not sufficient that they have seen the failure of that miserable abortion—the sinking fund, for which monies were ostensibly raised to pay off our public encumbrances, and virtually applied for whatever purposes the minister of the day chose to put them to. It is not sufficient that they have had it clearly impressed on them by all history, that even the incessant jealousy of a free parliament, which has the strings of the public purse in its hands, is barely a sufficient check upon the finance juggling of an embarrassed and unscrupulous ministry. These *doctrinaires* would confide the revenues of a country, not for a short

period only, but for eternity itself, to a Government, on which there is scarce any responsibility, and scarce any check whatsoever. They would place in the hands of the Government of India—a Government remarkable for its skill in making up plausible accounts—the means of showing a magnificent balance-sheet, when its finances were sinking into utter ruin. They would entrust to a Government, which, from its very nature, is rabidly intent upon *present gains*, the absolute disposal of the revenues of futurity. They would place implicit faith in the discretion of that Government, that the sums raised by selling portions of the income of the State should be so invested that the vacuum in such income should not only be eventually filled up, but flow over with abundance; and they talk of this at a time when every available rupee in India, whatever be the source it is derived from, and whatever be the purpose it is raised for, is to be devoted to the costs of suppressing an insurrection, arising from the thorough failure and break down, in a great part of India, of the civil and military administration of her wise, discreet, most honest, and prescient Government.

"We regret to see a name so deservedly respected as that of George Norton among the *doctrinaires* who would so recklessly sacrifice the revenues of India. What a resource it would be if India could raise a few millions just now, by putting up to sale a portion of that land-rent reserved from the beginning to the State for expenses of Government. This, however, would be to distort Mr. George Norton's proposition. Admitting that 'the tendency of such a measure, indiscriminately and extensively acted upon, would be to swallow up the principal out of which the great bulk of the fiscal income now arises,' he would effect the redemption of the land-tax by a *process of gradation*. He believes that the immediate annual supply to Government would be considerable, and that before even a fourth of the whole land-tax were redeemed, the deficit would be replaced from other sources of taxation. Meanwhile, Government should exercise a wise discretion in not allowing too rapid or too slow an encroachment on the revenues. Calculating the upset price of the land at twenty years' purchase, and the land revenue of India at twenty millions, and assuming that the *tenants* paying one-thousandth part of the kist to Government, redeemed annually their proportion of the tax, he puts down the annual sum to be received by Government at £400,000, and the annual loss in revenue at £20,000. The word '*tenants*' is in our own italics. We may hereafter have a word to say as to whether the 'tenants' would be, in the majority of cases, the purchasers. If Mr. George Norton's graduated plan were

adopted, Government, says he, would, at the end of 100 years, have lost for ever two millions of its revenue. But how so able a man could, for one instant, suppose that such a measure would be suffered to proceed uninterruptedly, we are at a loss to conceive. Indeed, he feels the difficulties of his proposition as soon as he gets below its plausible surface. Imagine a Government without the constant check of a Parliament being entrusted with such delicate operations as the following:—

" 'But suppose Government desired, for public and profitable purposes, (in other words, for increasing the wealth of the country and consequent sources of revenue,) a larger amount of annual redemption money. This might be done in either of two ways—by lowering the price and attracting a larger proportion of purchasers, or by raising the price to the same, or even to a larger proportion of purchasers. In the latter case the measure would be doubly profitable to Government. It would increase its revenue without any loss, 'in case the surplus' (after paying off, if so deemed expedient, a portion of the national debt) 'was required for exigencies of unprofitable expenditure,' and it would, at the same time, benefit the purchasers with all the gainful results already alluded to. If the surplus or increased revenue was directed to public improvements, and was not required for such exigencies, of course the advantage to Government would be greater still. Should, however, the former of these two ways be adopted, still the measure would be very profitable. For supposing Government admitted 1-500th part of the 'kist' payers to redeem at the price of twenty years' purchase, or a less proportion, (say 1-700th,) at a lower price, it would take 100 years to reduce the land-tax revenue by one-fifth, *i. e.*, by £4,000,000 per annum; and Government would, in the meanwhile, have had its revenues much more largely increased, wherewith to make that public and beneficial outlay, which would have been the inducement for admitting a more extended redemption, and might thus provide new sources of taxation more than adequate to replace the loss.'

" 'Public and beneficial outlay,' 'public and profitable purposes,' are high-sounding words; but what Government in the world—certainly not the Indian Government—is fitted to be entrusted with funds of posterity, on the hypothesis of its laying them out in public and profitable purposes? We have little enough to show in England for our 800 millions of public debt; and we have literally no experience but what tells us that the funds of posterity, whenever they have been drawn upon by any Government whatsoever, have been recklessly and often uselessly squandered.

ARTICLE II.

"No one who has read Quentin Durward will forget La Balafré, the redoutable uncle of the hero of the tale. That worthy wore round his neck a massive gold chain, from which, whenever he was short of money, he used to twist off a piece with his teeth, and sell it for ready cash. We suspect, that, before the old warrior died, when his powers were enfeebled with age, and he could no longer wield his tremendous sword to gain him another chain, that some of his revenues must have disappeared altogether. Now what La Balafré did with his chain is precisely what a certain set of politicians would have us do with our Indian Empire. If our means are crippled by a war, an internal revolution, or any other expensive difficulty that may arise, they would have us raise the wind, by twisting off a good lump of territory, and selling it at an upset price. What we are stating is a positive fact. It has already been talked of in England; and a brilliant Bengal contemporary puts in italics, in a recent issue of his journal, the following rather startling question—*why not sell Bengal*?

"It is rather unfortunate for the advocates of the redemption of the Indian land tax, that they should choose a time of financial distress for bringing forward the proposition. If both ends of our finances were meeting and embracing, and nothing was wanted but money for a liberal and judicious expenditure upon remunerative public works, the measure would undoubtedly have had a plausible look; but to advocate it at a crisis when money has to be thrown away in huge lumps, to be utterly dissipated and wasted for ever, casts a very great doubt on the wisdom and forethought of the propounders. It induces more than a suspicion that recourse will be had to so disastrous an expedient in any further difficulty. Bengal, for example, shall pay for the mutinies, and perhaps wipe out the greater portion of the debt incurred for previous wars. For future difficulties, we may dispose of a slice of Madras. For vast sums, wasted by any kind of improvident expenditure, the land revenue of the country, to any conceivable extent, may be made away with. What difference is it to John Smith, who has sunk £20,000 in law suit, whether he mortgages his estate for that sum, or sells a farm on it which will realize the amount.

"Well, to John Smith it may make little difference; for John Smith, like John Company and the majority of men, loves himself better than any one else; but to John Smith's heirs or successors it makes all the difference in the world. The truth is that this argument overlooks the distinction that there is between the saleable value of land, and its real and permanent worth. Between the one and the

other there is as much distinction as there is between the ephemeral fashions and habits of the day, and the undying principles of human nature. Twenty or twenty-five years' purchase of the land may serve a Government which would dazzle the world in the present at the expense of the future. Twenty or twenty-five years' purchase may be spent in a variety of ways; and Mr. George Norton's suggestion was, that it should be invested in a manner that would more than replace the vacuum caused by it in the annual revenue. But who is so infatuated as to trust any Government in the world to do that? All experience goes to show that the Government would be as reckless in their disposal of them, as many a fraudulent banker of his constituents' securities.

"The comparison between Government and a private individual does not hold good. Land will not be worth more than twenty or twenty-five years purchase to the latter. He can hardly calculate on so long a period of life. He may desire the money for a promising speculation; and in many respects it may benefit his individual self more than the possession of the land. Perhaps, however, the seller might feel differently were he, like the Wandering Jew, destined to live for an indefinite period. If the lives of men were prolonged for two or three hundred years, we do not think they would be content to dispose of their lands for twenty or twenty-five years' purchase. It is the duty of the State not to suffer itself to be actuated by the ephemeral motives that incite a man to squeeze into his short life all the enjoyments which he can, but to think and to act as if it were to endure for all time, and as if the present were but an infinitesimally small portion of its existence. The short-sighted sovereigns, who were our predecessors, granted away an enormous quantity of land in enam. The grants, it is alleged, were made, in many instances, for services to the State. So also the grants in Jagheer. It is, however, a question with us, how far those grants shall be recognized; and whether any previous sovereign had a right to alienate the revenues of the State in perpetuity. Hence our enam commissions. Suppose, however, that we were insane enough to sell off large portions of the land tax, is it impossible that, long after we are all in our graves, there will not start up some future species of enam commission to question the right we exercised of making away with the State revenues, and to deliberate upon the propriety of imposing a tax similar to the one we had disposed of? Even now, in England, political writers of authority question the principle of Pitt's Land Tax Redemption Act, and seriously advocate that land be reinstated in its appropriate place in the fiscal system.

Yet in England the expansive power of indirect taxation is astonishing. In India, before we can substitute indirect for direct taxation—at all times a questionable exchange—the people must alter the habits which a thousand generations have ingrained in them. Yet it is upon the hypothesis of such an alteration which must form the ground-work of any new fiscal system, that political speculators would, like unprincipled bankers, sell the stock which they hold in trust for posterity, and in which they are only entitled to a life interest. Compared with such a deed, the conduct of a reckless heir, who raises money upon *post obits*, is moral and judicious."

ARTICLE III.

"The first question that occurs in the consideration of any fiscal reform, is, how will it act upon the great body of the nation? How will the masses, from whose incessant toiling is wrung the means of supporting the State, be affected by it? Just and excellent as a measure may be in certain stages of the progress of society, it may be as much behind the social grade of some communities, as it is in advance of the low scale of humanity in others. It is obvious that it is impossible to separate the consideration of any great financial scheme from that of the present, as well as prospective condition of the people. A Government which has the welfare of the governed in view, must bear in mind their social institutions, their habits, their tempers, their tendency to providence or improvidence, their desire for dependence or independence, their susceptibility to the influences of a higher civilization, and numerous other circumstances upon which will depend the advantage or disadvantage of the measures proposed. It is certain that an act of the most perfect theoretical beauty and justice, may be an utter failure, owing to its inadaptability to some or other of these conditions. On the other hand, a careful consideration of the latter may suggest a policy, or the continuance of a policy, which may appear very crude and clumsy in the eyes of a political theorist, but may harmonize with the state of the people far better than a measure of the most admirable symmetry. The redemption of the land tax is a proposition that wears a plausible face, and we shall, therefore, consider how it would affect the present owners and occupiers of the soil.

"The measure is advocated on two different grounds. The first is, the present relief, as well as eventual profit, it would bring to the State. The second is, the great stimulus that it would give to agricultural operations, combined with the advantages of freedom from taxation and independence of action, which it would confer upon the owner of the soil. It is also anticipated that the capability

of obtaining the possession of land in fee simple, exempt from assessment, would draw to this country what is so much wanted, namely, European skill and capital.

"The registered holder of the land, however, that is to say the person who is at present liable to the Government for the tax, is the only individual to whom its redemption can be offered. A stranger could only get possession of the land by purchasing the holder's property in it. But would the persons who are now the great contributors to the expenses of the State—would the descendants of those who have occupied and tilled the soil from time immemorial —obtain their land in fee simple free from tax? That the land tax would be quickly redeemed we have very little doubt, (that is to say if offered at a fair price,) but the land would not fall into the hands of those in whose possession it would be desirable to see it. It would pass into the clutches of the money-lenders, who would make advances to the ryot for the purpose of redeeming his tax. The simple-minded ryot would rush at the bait held out to him. The money-lender would ply him well with the means of purchase. The ryot would sign mortgages with the greatest facility. And it is not difficult to foresee that he would end by being a mere tenant upon the estate from which he had so eagerly and hopefully redeemed the land tax; and by paying to some money-lender a rent, double, or perhaps treble the rent at present exacted by the Government. The estate would probably be paid for by the mere interest of the money lent the ryot. The money-lender would, in too many instances, obtain possession of the soil without any expenditure of capital whatsoever. And the result of this grand measure of financial reform would be, that the ryot would be more impoverished than ever, and that his condition would render it less possible than before for him to use or consume any of those articles of commerce which alone could form the basis of a new system of taxation.

"The social state of the people of India is generally such, that we think the possession of land free from tax would be positively injurious to them. A high tax would not be more pernicious to their industry than no tax at all. It is certain that wherever the land is the free possession of a people in a low state of civilization, the condition of that people will never improve. They will simply scratch the soil for sustenance, and live the indolent and vacuous life of savages. To stimulate a people to exertion, especially in the tropics where the natural wants of man are very small, some degree of compulsory labour is necessary. This is effected by a tax. Government says to the dweller upon the soil, 'you shall not till it

unless you pay a tax to Government.' The stimulus to a man's industry is thereby doubled, and when his energies are once set in motion his aversion to their employment disappears, and he feels that what he can gain by his labour is infinitely more pleasant to him than the mere indulgence of idleness. But the tax must be judiciously laid on, and unfluctuating in amount. The cultivator must not be led to fear that the profits of his increasing and improving industry will be lessened by indefinite exactions. It is evident that any State which depends for support upon the rent paid it by the cultivators of the soil, will attend to the aggregate of their interests in a far greater degree than a private individual will to the interest of his tenants. The individual having wrung dry one tenant, may obtain another, and after having served him in the same manner, another, and, again, another. But Government, which embraces the intelligence of many individuals, and is only held in trust for the nation itself, will scarcely act in this manner. So long as it draws its revenue from land, it will proceed upon a far more regular system than private individuals will care to adopt. Indifferently as the land revenue of this country has hitherto been conducted, we would infinitely prefer to see the cultivator pay his rent to the Government than to the money-lender. To the former, the tax rendered would be (that is under an assessment revised upon true principles, which is to be anticipated) moderate in amount, and fixed once and for ever; and in this case would stimulate rather than depress the ryots' industry. But to the latter, the rent would be whatever his exorbitant desires might choose to extort; and beneath such a condition industry would sink into the same state as it was under the middlemen in Ireland, until Government saw fit to interfere. We are not speaking, mind, of a country with enlightened proprietors and intelligent tenants,—and even in such a country the relations between the two are frequently bad enough,—but of a country in which the occupiers of the soil are little better than semi-savage, and in which those who are likely to become the landholders are the worst usurers in the world. If ever a country required a Government that should carefully watch over the interests of the governed, it is India; but by the redemption of the land tax, the interests of the great body of the people would disappear for ever from the eyes of the Government.

"Let not the Government delude itself that by selling off the present land tax it would thereby get rid of all trouble whatever with regard to the owners or cultivators of the soil. The state of society in India is as yet so rude and undeveloped, that the Government *must* protect the simple and improvident against the cunning and

intriguing. Was ever the fee simple of land more absolutely and entirely given away than it was in Bengal in 1793? The amount payable to Government was fixed (at a money rate!) in perpetuity. The zemindars were recognized as the legitimate owners of the soil; and were enabled to sell it, to lease it out, in large or small holdings, and to extract whatever they could from their under-tenants. Yet Government is now, after sixty-five years experience, compelled to come forward with a bill to protect the interests of those under-tenants, who are fleeced beyond all endurance by the owners of the soil. This measure, though in the highest degree necessary, is unquestionably a violation of the perpetual settlement. It is stigmatized as such by the zemindars. In the North-West provinces, the usurer, as we shall endeavour to show in a succeeding article, is at the bottom of a great deal of the present revolution; and it was a matter of deep consideration with the authorities of those districts, how the cultivator should be preserved in the possession of his estate, and from the snares and wiles of the money-lender.

"In sum, we hold that while it would be no advantage to the cultivator, under any circumstances, to be freed from a moderate and judiciously-imposed tax, the operation of the redemption of the land tax would be simply to transform the rent, now paid by him to the Government, into an *ad libitum* charge made upon him by the money-grubbing new proprietor of the soil. The ryot is already too much in the power of the usurer; but this visionary purchase by him of the freedom of the soil, would rivet on him the last fetter of serfhood. A more disastrous condition than this, for an agricultural population,—especially when the latter is almost the sole contributor to the public purse,—it is impossible to conceive. Add to this, that, by the time the tax was redeemed, the ryots of India would generally be poorer by the whole of the amount paid by them to Government for its redemption. The investment would be gone, yet there would still be rent to pay for the occupation of the land."

Article IV.

"We must guard against its being supposed, that, in arguing for the retention of the Indian land tax, we are supporting the present conditions under which it is collected. Holding that it is in the highest degree essential that the revenues of this country should continue to be derived principally from the soil, as they have been from time immemorial; and believing that a sacrifice of those revenues to the fiscal aspirations of a few political theorists would be the wildest measure ever entertained by a Government, we maintain

that, generally speaking, a thorough reform of the present system, as under various phases it is presented in different parts of the country, is imperatively required. The tendency of things has, of late years, been towards ameliorations such as we should be glad to see immediately adopted. The state of the ryot when delivered over to the zemindar and many kinds of middlemen, has, for a length of time, been exciting the anxious attention of the authorities. It is felt that under any system which withdraws him from the eye of the European functionaries, his condition must be hopelessly miserable.

"A few hours after the appearance of our last article upon this subject, we received our copy of the 'Bengal Hurkaru' of January 12th, in which the situation of the Bengal ryot as a tenant of the zemindar—the independent owner of the soil—is forcibly and truthfully depicted. The 'Hurkaru' gives a practical illustration of the ryot in the claws of the money-lender, to whom he is driven by the oppressive exactions of the zemindar. 'The ryot is detained in custody, or his property laid under distress. The mahajun kindly undertakes to advance the money: the offer is accepted with thanks. But interest runs at a compound heavy rate, and the ryot without any addition to his means has another claimant to satisfy. The zemindar's exactions continuing the same, however, it is seldom that he can meet the mahajun's whole demand at once, and so get clear of him. The little he is able to pay at a time goes to satisfy the interest alone; the *ashul* or principal remaining nearly undiminished and the same. And so the unhappy ryot is doomed to see the fruits of his toil entirely wrested from him by others,—the mahajun claiming what the zemindar spared. Between two such millstones, of course, he is effectually ground to dust.'

"Would the state of things differ from this were the land tax, in Madras, for example, redeemed? The usurer would advance the money. The ryot would purchase the redemption of the tax and mortgage the estates for the purchase-money. The pressure of the interest would eat up all his substance. At last, when he was incapable of paying either principal or interest, the money-lender would become the possessor of the estate, either by waiving his claim to the sum advanced, (which the interest would, in all probability, have already repaid,) or by bringing his insolvent debtor into court. The land would still continue to be tilled by ryots, but they would not hold it free of tax. The rent, instead of being what under just conditions it should be, namely, moderate, as well as fixed in amount, would vary according to the avaricious propensities of an ignorant and unfeeling proprietor.

"The writer of the series of articles containing the one from which we have quoted, is so evidently a master of his subject, that it is with great satisfaction we perceive his views of reform to be coincident with our own. 'The peasant proprietor,' says he, 'is in the most desirable situation in which a cultivator can possibly be.' This view, as regards the Indian cultivator, we have long held. We feel assured that it is the condition which for a length of time will be best suited to the ryots of this country. The distinction, however, must be drawn between a peasant and a *pauper* proprietor. Nor does the definition exclude an employer, even to a large extent, of labourers. By the term a peasant proprietary, is simply to be understood that the soil is owned by persons who are engaged directly in agricultural operations. 'There is no reason,' said Munro, in his letter to Colonel Read, 'to regret that farms are small,—it is better on every account, and for general wealth. It does not produce men of great fortunes and overgrown possessions, but it *lessens the number of poor*, and raises up everywhere a crowd of men of small but independent property, who, when they are certain that they will themselves enjoy the benefit of every extraordinary exertion of labour, work with a spirit of activity which would be in vain expected from the tenants or servants of great landholders.' When we see the legislature in Bengal bringing forward a bill which secures to the under-tenants of the great landowners there a right of occupation on the soil, we cannot but feel that Sir Thomas Munro has been more truly prophetic upon this subject than he was with regard to the Indian Press. In Bengal, the system of large holdings has entirely failed, the tenants have been reduced to the extreme of misery, and the authorities have at last come to understand that, generally, there is no class of natives fit to hold, in this country, the position which is held by great proprietors in Europe.

"'We propose, accordingly,' says the writer in the 'Hurkaru,' 'that every ryot should be vested with the freehold of his farm, subject only to an invariable tribute rent—on no account to be enhanced.' That is intended, we believe, to be the effect of Mr. Currie's Bill, which, converting as it does the zemindars, who are the present owners of the soil, into mere stipendiaries, is unquestionably a revolutionary measure. Had the Government, at the time when the present tenures in Bengal were created, been sufficiently experienced in the character of the people, such a measure would never have been rendered necessary. In Madras our system was initiated by a man who had extraordinary insight into the nature of the tenure which is required for this country. That some of his views were

erroneous cannot be denied; and that his system has not been generally adopted is certain. But he was the first who distinctly enounced that 'every ryot, as long as he pays the rent of his land, shall be considered as the complete owner of the soil, and shall be at liberty to let to a tenant without any hesitation as to rent, and to sell it as he pleases.' We shall not stop here to examine the immense evils and inconveniences which, owing not to the tenure itself but to numerous inessential conditions that grew up around it, have hitherto pressed down the ryots of Madras into the lowest depths of misery.

"Were the system described by Lord Harris in the Annual Report for the years 1855-56, existing in its integrity, it would be difficult to conceive a more favourable position for an agriculturist than that of a Madras ryot. But it is vitiated by imperfect European superintendence, by native extortion, by inquisitorial interference; in a word, by every imaginable evil that is enabled to creep into a lax and inefficient system of administration. The assessment also is much too high; and although the ryot is declared the proprietor in fee simple, there is not a word about that most essential of conditions, an assessment fixed for ever, and varying only, in its money rate, according to the average prices of produce for a certain number of preceding years. The provision that a ryot may increase or diminish his holding, is the provision of a Landlord, not of a Government collecting a tax. If the land were fairly assessed, the portion of a farm given up would be saleable. So also the additional acres taken up by the ryot.

"The true method of proceeding would be to give a legal as well as a prescriptive title to the recognised proprietor of the soil. This would operate to convert the *virtual* titles of many millions into *real* titles. The extent of the actual holdings should all over the country be accurately defined and registered. All land which was not in occupation might fairly be claimed by the Government; and this, with the tax on it, they might sell for what it would fetch. All conditions incompatible with the existence of a fee simple should be swept clean away. The absurdity of annual puttahs, and the heart-sickening interference they necessitate, should be made to disappear. The tax on the soil should be moderate and fixed for ever. Being nearly the whole amount of the rent, few, except industrious agriculturists, would be desirous to purchase the land. But it would be an evil day for the ryot if Government, holding out to him the bait of possessing the land free from tax, incited him to have recourse to the money-lender, who would be no less anxious than the ryot to become, under the new circumstances, a proprietor of the soil."

ASIATIC SOC

CHAPTER IX.

Topic 15th, 16th.

XV. Why have not British capital and enterprise invested themselves in India?—XVI. Can they be induced to do so?

"One stout Englishman is as good for routing out and exposing abuses in a judge's or collector's court, as several hundred thousand natives," says Sir Charles Trevelyan. The healthy influence of the Englishman's presence is not confined to the courts. It operates like an electric shock upon every man and thing in India, with which it comes in contact. The doughty deed of the planter Venables, who retook Azimghur, has been chronicled by the author of the "Red Pamphlet." It may stand once for all as a proof of an independent Englishman's worth in India:—

"On arriving at Ghazeepore, it was discovered that some of the indigo-planters and the poorer class of Christians had been left behind. As it was known that the 17th Native Infantry would return to plunder the place, great anxiety was felt on their behalf by one, at least, of those who had escaped. This was Mr. Venables, an indigo-planter residing in the neighbourhood of Azimghur, a gentleman of large property and of a very high character. Fearing for the unfortunates who had been left behind, Mr. Venables endeavoured to persuade Mr. Astell, Mr. Horne, and others, to return with him. They were most unwilling, and pleaded fear of the Commissioner's anger if they should return without his sanction. A message was instantly dispatched for that sanction; but the Commissioner, Mr. Tucker, comprehending in an instant the feeling of his subordinates, sent back a reply to the effect that 'he had no objection to Mr. Venables going, but the Civilians were on no account to risk their lives.'

"Thus privately and officially left to himself, this noble-

hearted man determined to go alone. He started the next day, went direct to his estate at Doorie Ghat,—some two-and-twenty miles on the Goruckpore side of Azimghur,—assembled his ryots, armed them, marched at their head, and recovered Azimghur. He did more—he held it ; and whilst the apathetic Civilians had retired into Benares, and were allowed to continue to draw their immense salaries—Mr. Astell alone £250 per mensem—Mr. Venables, the indigo planter, remained at their proper station, did all their work, even collected the revenue which they ought to have collected, restored order where all was chaos; and whilst these men were whining over the loss of their own private property, he employed himself in restoring the power and re-asserting the prestige of Government.

"And yet he was one of those 'adventurers' whom the Government of India takes every opportunity of insulting. Mr. Venables held this district, reinforced only by a small detachment of native troops, for about six weeks. At the end of that time, the Civilians were most unwillingly compelled to return."

The "Times" has asserted, with much truth, that Englishmen will seek to make their fortunes in any place in the world, even in Sierra Leone, rather than in India; though the reasons which the same article assigns for an explanation of this undoubted and discreditable fact are fallacious in the extreme. As the introduction of Englishmen with capital in their pockets, and energy in their minds, is one of the most hopeful contingencies for the regeneration of India, nothing can be more important than to inquire why so very small a number of our countrymen, independent of the services, have hitherto sought this land as a scene of adventure and investment; and what is required to induce immigration, and the influx of capital.*

* With regard to the settlement of Europeans in this country, it should be observed that Mr. Ewart's Committee for inquiry as to Colonization, *may* perhaps do more harm than good, if it should lead people away from a *real* inquiry. Colonization, in its usual acceptation, may not be possible or requisite for this country. India is not fitted for the actual European labourer. The masters of labour, with money in their pockets, are the class of persons we want, and who will make their own fortunes, and regenerate the country. They may not *colonize* in India, inasmuch as they would be but temporary sojourners here, looking to return to England when they had

All sorts of reasons have been assigned for the paucity of European settlers in the interior. After one hundred years of rule, India can scarcely boast of four thousand temporary European settlers, while Australia, in fifty years, has afforded an outlet for nearly a million of our surplus population. Sir George Clerk, before the House of Lords' Committee, thinks that the European race must necessarily deteriorate, even on the hills, in the course of three generations. But this objection is purely hypothetical; the possible condition of their grand-children would certainly not operate as a check of any force upon persons desirous to emigrate; and though colonization is highly desirable, an influx of Europeans who intended to leave the country when they had made their money, is sufficient for our purpose. Sir J. C. Melville, before the same Committee, gives a different account, and one of a very peculiar nature. He admits that there are not more colonists now than there were fifty years ago; but attributes this partly to the dense population of India, as though there were no room for settlers! "It is not like Australia or America, where there is plenty of vacant space for foreigners; there is a dense population in many parts of India." And in many parts for fifty miles at a stretch, there is no population at all, as he who travels by our railroad across the plains of the Carnatic can vouch. Constantly have I heard travellers, looking across the vast and arid tracts, ask, in wonderment, Where does the revenue come from? But Sir James has never been in India; he has not therefore enjoyed the advantage of travelling about the country in a bullock cart, and he forgot the officially recorded fact that only one-fifth of the enormous Presidency of Madras is under cultivation. The fact is that gold is lying on the surface of India, far more readily attainable than in Australia and California. The climate, no doubt, must ever operate to a considerable extent against the colonization of India,* though the effects and disagreeableness of

amassed a competency; though some of them might remain, and their descendants become naturalized. It is the investment of British capital, under the immediate direction of British owners, that we want: and the causes which will tell against *this* I have endeavoured to explain.

* To this may be added, the vast distance and expense of the voyage between India and England. When we look back upon the old times, when a ship scarcely

the climate have been highly exaggerated: but the indigo, the oil-seeds, the sugar, the cotton of her plains; the coffee, the timber, the other products of her hills, are quite sufficient to tempt the influx of capital, if there were not other considerations which scare men away. The true prohibitions and restrictions to European colonization, are to be sought for in totally other directions. It is the wretched administration of civil justice, which makes it a rash enterprise to enter into any contract in the Mofussil; the revenue "system," which, in the official language of the Court of Directors, makes farming a "wild speculation;" the wretched state of the police, which, so far from affording protection to life and property, is one of the greatest dangers, and a standing menace to both; it is to the impossibility which every man finds of standing alone upon his own integrity and ability in the Mofussil, the thousand-and-one plagues, lets, hindrances, obstacles, pit-falls, which beset him with ruin on every side, the moment he falls into the evil graces of any member of the civil service, revenue or judicial; it is the impossibility of procuring any valid, enduring, satisfactory title to land, which will make it prudent to sink money in its improvement; it is the want of roads and the absence of a magistracy, and a good law of master and servant; it is the jealousy of Government, which still regards men as "interlopers;" these are the causes which prevent the influx of European capital and

reached her port under six months, and a reply to a letter could not be looked for under a year; and compare the present days with those, the difference seems marvellous. Our rapid communications, four times a month,—the voyage being performed in about 28 days; our weekly post; the future electric telegraph, which will transmit a message to England in an hour, are all so many inducements to the Englishman to visit India. But the charges of that great monopoly, the Peninsular and Oriental Company, are still so preposterously exorbitant, as to make us sigh for a cheap Yankee opposition; while an ocean penny postage should be agitated by the Indian reformer, with the same view of bringing India and England close as the Symplegades. Lord William Bentinck, that noblest-hearted Englishman that ever set foot in India, strongly advocated steam, as the means by which "the natives of India, in person, could be enabled to bring their complaints and grievances before the authorities and the country," and by which "disinterested travellers (Mr. Danby Seymour is the only one I can call to mind,) would have it in their power to report to their country at home, the nature and circumstances of this distant portion of the Empire." The result he trusted would be "to rouse the shameful apathy and indifference of Great Britain to the concerns of India."

enterprise into India. I give two specimens taken from the "Dacca News," of the sort of difficulties with which a settler will have to contend in India. They will frighten the boldest heart.*

BRIBERY.

(From the "Dacca News," Jan. 16.)

* "We have spent very large sums of money in bribery in this country. From first to last, we believe that we have spent as much in bribery as would amount to a small competency, on which we might have gone home; but if we had not done so, we should neither have been able to remain in the country, nor should we have had enough wherewith to pay our passage home,—to land, a pauper, in England. There is scarcely an official in India we have not bribed. The European officials boast that they do not take bribes. We deny it. They surround themselves by a set of most miserably paid public servants, commonly known as omlah, to whom many of them willingly surrender themselves completely, but to whom all must necessarily surrender a great deal of power, and this power is by them turned into money. The inadequacy of their pay is a great cause of their taking bribes. If they had higher pay many of them would not do so. It is therefore to the State's profit that must be carried the sums paid in bribery, for if it were not for these sums, they would have to pay higher salaries to their servants. But the revenue of the State amounting only to a certain sum, the consequence of paying the native servants more highly would be, that the salaries of the Europeans must be reduced. If, for instance, there are four European servants and twenty native in a district, giving 5000 rupees, say, of revenue monthly, the Europeans agree to divide 4800 rupees among themselves, leaving 200 rupees for the natives. But the natives cannot live on this, so bribery is winked at. We pay bribes in order that the Europeans may enjoy higher salaries. Our bribes go indirectly into their pocket. Do we not, then, bribe the European officials? Bribery in India is not always to be understood to mean the paying of a sum of money to cause an official to do that which is wrong. We are called upon to pay him if he does merely that which is right. A darogah often makes both parties deposit a sum of money before he proceeds to an investigation, and keeps that belonging to the party in whose favour he decides. We have often spoken to the English officials themselves upon this subject, and have been blamed by them for having given bribes. They say, "Why do you not come to us yourself and state the facts, and what you want to be done?" When we were in our green youth we did so, and perhaps gained a single case by doing so, but we rendered the whole of the omlah our enemies, and at last, without our knowing why, our Civil Servant friend began to wax cold towards us. Every case was given against us. False complaints, so easy to originate in this country, where a false witness may be hired for two annas (three-pence), because there is seldom a conviction for perjury,—false complaints used to arise in which our Civilian invariably punished us or our servants. That miserable system of thannah reports, where the darogah daily reports secretly to the head of the police, who is also the Magistrate, and whom Mr. Halliday wishes to make Collector as well, had done its work. Soft water wears the hard stone. The Magistrate was unable to resist the daily insinuations against us which we had no means of refuting, because we did not know they were made. He became suspicious of us, and so we lost our cases, till our own servants, wiser than we were, came to us and said, "Sir, you will never gain cases, and the Saheb's *misaj* (temper—disposition) will never be turned towards you, till you bribe the omlah. They are all related to one another, and all bound

The first article caused the "Dacca News" to be warned. Everything which proceeds from the pen of the editor of that journal upon this topic is worthy of the most attentive perusal.

by one common interest. They cannot allow that one, however intimate he may be with the Saheb, should escape paying them their due." We were very loath to believe this. We fought hard against it, but we found that native perseverance, native daily-repeated insinuations, and the prejudice that exists in every Civilian's mind against interlopers, was too strong, and we had invariably to give in.—We did not do so without complaining to the men themselves, whose omlah we bribed.

"We have been asked why we did not resist all this. If we had been acting for ourselves we might, perhaps, have felt moved to become a martyr, but as an agent for others we did not see our way so clearly. We were once sent to take charge of an estate which had been very much mismanaged—the native managers who preceded us having permitted encroachments on every side. The estate was seventy miles distant from the nearest magistrate. There was a rumour that a magistrate had once visited it, but grave doubts were thrown upon this tradition. At any rate, when we went there, the memory of it existed only among the very oldest inhabitants. We had reason to apprehend that a number of armed men would be sent to oppose our ryots cutting their rice crops in a certain village. We applied to the thannah for a burkindaz to protect them. It turned out that our apprehensions were groundless. Our ryots cut the rice, and no one opposed them. The burkindaz, whose daily wages we had paid, on his return to the thannah, passed our cutcherry and asked for a present. It was not much, only five rupees, but we had then determined to keep back our hand from all bribery, and to keep ourselves pure from corruption. We refused the five rupees, contrary to the advice of all the old native servants of the estate. We declared we would not give in to native ways. We asked what this burkindaz could do to us. He could only report that what we had apprehended had not taken place, that there were no armed men to oppose our ryots, who had cut their crops in peace. We were very green. When the burkindaz returned to the thannah, he reported that he had gone out as directed to protect our ryots from oppression, but on arriving at the spot, he discovered that, so far from our being the oppressed, we were the actual oppressor, for we had assembled a large force armed, not in the usual Bengalee way with spears, but with muskets—and that on seeing him, the musket-men had fled, and that he had pursued; but being unable to come up with them, he had not seized any of them, nor could he produce a musket in proof of the truth of his story, but, with his report, he handed in some powder and balls which had been dropped by them in their flight. On hearing of this report we were in great consternation. We knew that if it were forwarded to the magistrate, he would require our personal attendance to answer to such serious charges. It was the season of the year when about 20,000 rupees were collected from the ryots, chiefly by the process of attaching their crops while still on the ground. If a week or a fortnight's absence were enforced upon us, the crops would be cut, and the money would be for the most part lost. What were we to do? A kind angel whispered to us, that if we paid the darogah 50 rupees, he would suppress the burkindaz's report. We did so, and registered a mental vow never to refuse a bribe when demanded from us again. From that day to this we have steadily bribed, never refusing to give anything at all, but trying merely how much we could beat down the amount.

"What has caused us to call the public attention to bribery at present, is the

He is indeed a most invaluable witness; and in the event of any further inquiry into the condition of India, his personal testimony should be secured at any cost. He probably knows more of the

circumstance that several influential zemindars have called upon us, to state that the bribery and extortion exercised by the revenue survey people, in the Dacca district where they are present, is something infinitely beyond what they have been accustomed to submit to. They actually cry out against it, which shows that it must be very severe, for the amount that a Bengalee will allow to be officially squeezed out of him, without his making an outcry, is very great. One thing is very much complained of, which is this:—A village belongs to A. B has a small talook, that is a defined portion of the land of the village, included in its boundary. A does not deny B's proprietary right in the share of the village he claims. There is no dispute between A and B. But, under late rules, as we understand, the Ameen may not mark out B's share without a reference to the Deputy Collector. The Deputy Collector refers it to one of his Peshkars, and it is of these Peshkars that it is complained that they will do nothing unless most highly bribed by either party or by both. In all the Courts of the East India Company it is admitted, that the person who writes down the evidence of a witness, which is seldom or never taken in the hearing of a judge or magistrate, must be paid a certain sum in order to induce him to write down what is actually said by the witness, or, in many cases, to give a different turn to what has been said by them. The sum demanded for this purpose in the Magistrate's Court in Dacca, is quoted at from eight annas to one rupee. No revenue survey Peshkar will look at anything less than two rupees for each witness. The Peshkars declare openly that they cannot live upon 40 rupees a-month, and they make their bargains with the unfortunates who have to deal with them within earshot of the Deputy Collectors, whom we can neither accuse of taking bribes, nor of sharing in the illegal gains of their subordinates. But the Deputy Collectors will not interfere to prevent their subordinates taking bribes. When they were in the lower ranks, they were themselves guilty of the same crime, and do not feel themselves called upon to deprive those who may rise to the rank they now hold, from participating in the advantages which they themselves had. No Bengalee is interested in the reputation of his office for purity. It is enough that he himself is pure. One of the few darogahs we have known who never took a bribe, was an old Up-country Mahommedan, who spent his days in prayer, and who was, in consequence, useless as a darogah; for no row, however great,—no murder, however atrocious, would prevent his retiring when the hour of prayer came, which it did five times a day. We were never more fleeced than under this darogah. He surrendered all his power and influence into the hands of a sharp *little* Hindoo Mohurrer, who, undeterred by the responsibility of himself holding the office of darogah, was the most extortionate little wretch we ever knew. It was useless appealing to the darogah himself. The only answer we got was, "God is great, and Mahomed is his Prophet." It was useless appealing to the Magistrate, for who ever convicted a darogah or his subordinates of bribery? The Company's servants will scarcely listen to such an accusation. They may acknowledge that it is probably true, but they will say—if we are to convict all our servants who are guilty of bribery, we shall have none left, and rather than *movere* those *quieta*, they permit bribery, as they have done perjury and forgery, to remain among the offences which are unpunished by their courts. But to return to the revenue survey. We are informed that there is not an Ameen that does not

working of the courts, of the land tenure system, of the doings of the police, than any other man in India. He has been agent for extensive estates, and has himself, as he informs us, uniformly practised those acts which alone give the Englishman a chance of holding his own in this country; he has had as many as ninety-two lawsuits at one time; he is the manager of the Dacca Bank, and has established his talented journal, because he found that he could not obtain a hearing for his complaints and exposures in the English newspapers, by which his communications were systematically burked. With this introduction, I shall make no further apology for introducing lengthy extracts from this writer; for the reader will not have to peruse the mere opinions of a journalist, but will be confronting a personal eye-witness and actor in the very scenes which he describes.*

demand eight annas a-day as his *bassah kurch*, that is, expense of lodging. These functionaries make, we have been informed, from 700 to 800 rupees each, during the six months they are in the Mofussil. A fellow-lodger of one of them informed us, that an Ameen married himself and his brother on the profits of one season. Those who know that the two great expenses of a Bengalee's life are his marriage and his death, and that the saving of a penurious life are expended at those two periods, will be able to form an idea of how great the profit must have been, when a man was able to marry not only himself but his brother in six months. The same man informed us, that the measurement of a Talook, paying a revenue to Government of 9 rupees, cost 27 rupees in bribes. The enormity of these extortions have caused numbers of Bengalees to come to us. They complain not of the illegal fees, as we may term the black mail levied in the Commissioner's, Judge's, Magistrate's, Assistant Magistrate's, Collector's, Deputy Collector's, Principal Sudder Ameen's, Sudder Ameen's, Moonsiff's, Register of Deeds' offices, with a multitude of others. They complain not that in every instance where they come in contact with the East India Company, whether it be that they seek the Company, or the Company requires from them boats, coolies, hackeries, returns of crops, returns of population, information or statistics of any kind, they complain not that they have to bribe. What they complain of is, the inordinate amount extorted from them by the revenue survey.

"This article has already run to too great a length, or we might explain the absolute necessity of bribery, arising from the close connection existing not only between the omlah of a particular district, but of all the omlah in Bengal. They as invariably come from Bickrampore in the Dacca district, as our sepoy army came from Oude. But we must stop here for the present at least."

* Let us now examine the same witness as to a different kind of difficulty with which the Englishman has to contend:—

THE TENURE OF LAND BY EUROPEANS IN INDIA.

(From the "Dacca News.")

"Mr. Ewart has moved in the House of Commons for a return showing on what tenure land is allowed to be held by Europeans in India, whether in fee simple, for

Hitherto the witnesses have mostly been for the Company, retired Civilians, old Army Officers, &c.; now we are beginning

life or lives, or for years; and if so, for what terms of years, and whether renewable on payment of fines or otherwise. As we may expect that the Court of Directors, which first denied that it had received a copy of Mr. Halliday's Police minute, and then furnished, as the Police minute, a minute which was not the Police minute,—as we may expect that Court to give a false return to Mr. Ewart's motion, we shall give a a return of our own, as to the terms on which Europeans hold land in the perpetually settled districts. But before doing so, we would remind our readers, that the perpetual settlement is a bargain entered into between Lord Cornwallis on the part of the British Government, and for which he staked the good faith of England—not of the Court of Directors, or the 'Company Bahadoor,' for that is *nil*—and the landholders, that as long as they paid a certain rent to the Government, they were to enjoy in perpetuity the possession of the lands contained within certain boundaries, specified in the books compiled at the time of the settlement by the various Collectors, and which had been sanctioned with regard to each particular district by the Government. This is the theory of the perpetual settlement. The practice has been very different, especially with regard to Europeans, who, about twenty years ago, were allowed to hold land on the same terms as natives. The practice is as follows:—

"A European is allowed to hold lands as long as these lands do not excite the concupiscence of the Government of the East India Company, administered by a Civil Service, whose salaries depend upon the amount of revenue that can be realised, *per fas aut nefas*, from the country. Example: Mr. George Lamb, a gentleman well known for many years in the Dacca district, purchased an estate, called Chur Doopooriah, paying, under the aforesaid perpetual settlement, a rent to Government of 290 odd rupees. By the encroachment of a large and rapid river, the whole of this estate was carried away. Mr. Lamb, aware, from long observation, of the oscillations of the rivers in Bengal, that the land would re-form, continued to fulfil his part of the bargain entered into with the Government—that is, to pay the revenues during eight or ten years while the estate in question formed a part of the bed of the river, which is from four to five miles broad. He, of course, expected that, when the river retired, he would be allowed to take possession of the lands re-formed. There is a law, however, in connection with the settlement, which states, that if an island is thrown up in the channel of a navigable river, it becomes the property of the Government; and this law is perfectly just, for it pre-supposes the drying up of the river—a circumstance of frequent occurrence in Bengal—and the formation of land on a spot which *had not been included in the perpetual settlement, as there was no land existing there at that time*. There is, also, another law very useful in preventing disputes, which is to the effect, that lands which are formed by the retiring of rivers from one bank, and their encroachment on the other, are to belong to the proprietor on whose lands they form. In the case before us, when the river was retiring, the Government, in the first place, took possession of the dry land which first appeared, as an island; and then of all the lands successively emerging from the river, as formations on to the island, the property of Government. Mr. Lamb, up to the present date, hoping against hope, that justice may be done to him, pays the perpetual settlement revenue for Chur Doopooriah, though he is not in possession, nor has had, for the last twelve or fourteen years, a single bigah of land belonging to this estate. The Collector receives the rents without a murmur, though, we believe, the Commissioner of revenue has ordered him

to have the English settler speaking for himself, and his revelations are startling enough; but they will be borne out and

to strike the very name of the estate off the books. The case, moreover, was five times decided in Mr. Lamb's favour by the judges of the Company itself; and only gained by them when they had succeeded, after a number of years, in packing a Bench. We would refer the curious, with regard to this case, to our supplement of the 19th July, 1857.

"A European is allowed to hold lands as long as these lands do not excite the concupiscence of any native; for, if any native should desire to possess them, they will certainly be decreed to him by the judges of the East India Company, who find none so impracticable as European owners of land. Example: Mr. G. Lamb purchased at a sale for arrear of revenue, from the East India Company, an estate said to comprise within its boundaries certain specified villages. A native, about the same time, purchased an adjoining estate. Mr. Lamb, from information gathered from the Collector's books, brought a suit for certain villages in the possession of the native, as belonging to his estate. The native brought a cross suit, claiming villages of the value of 1500 rupees a-year against Mr. Lamb; Mr. Lamb lost his suit. The suit of the native was decreed in his favour, giving him villages producing 6000 rupees a-year, instead of 1500 rupees which he had sued for. The document, on which the Sudder decreed against Mr. Lamb, was a forgery. It purported to be one of the original papers of the decennial settlement (on which the perpetual settlement was founded) of Zillah Tipperah. Mr. Lamb proved that the whole of that settlement was made in Arcot rupees, while this paper was summed up in Sicca rupees. The Sudder Dewany Adalut, the Supreme Civil Court of Bengal, decided that the word 'Sicca' meant 'current,' and might apply to any rupee. They themselves were, at the time of this decision, receiving their salaries in Sicca rupees of more than 6½ per cent. greater value than the Company's rupee, and would have repudiated with scorn the proposition of being paid in Company's rupees.

"A European is to be prevented from becoming the possessor of land at any cost whatever. Example: While the last mentioned case was passing through the courts, Mr. Lamb's opponent got deeply into debt, and his creditors put up his estate for sale. Mr. Lamb was willing to purchase peace at any price, and therefore bid a large sum for this estate, which comprised the disputed lands. Mr. Lamb purchased the estate in his wife's name, in order to avoid, as he thought, all disputes. Mrs. Lamb, on becoming purchaser, sued for possession of the estate, but was nonsuited in the superior court, the Sudder, on the ground that she, as an English or Scotch woman, could not sue in her own name, but must be joined by her husband. We have got the best authority for saying that this is not good English law; but, supposing it were, there was nothing on the record to show that Mrs. Lamb was either an English or a Scotch woman. She might have been of any other race, among many of whom, the Armenians, Mussulmanees, and Hindoos, for instance, married women may possess property apart from their husbands. The objection was not taken in any of the pleadings, and we submit that the Appellate Court had no power to take it up; but there was an Englishman or Scotchman, well known, in their private capacities, to the judges on the bench, to be such, to be prevented from possessing lands. The case was therefore non-suited. On this decision being given, Mr. Lamb brought a fresh suit, joining himself with his wife. The same objection would not serve now, but Mr. Lamb lost his case in the Appellate Court on account of an alleged irregularity in the

corroborated by every man of the class the more the matter is probed. I would particularly call attention to the striking

sale, an irregularity for which no one was responsible but the court which sold, and therefore Mr. Lamb was punished. Be it observed, that Mr. Lamb gained every one of these cases in the courts of first instance. It was only when they were appealed to the Sudder, when they were taken down to Calcutta, were Civil Servicism is rampant, where the necessity of keeping the interloper from gaining a footing in the land is fully appreciated—it was only in Calcutta that he lost them. We could adduce many a case where the same gentleman who, unfortunately for himself, had a desire to become a landed proprietor, and to improve his lands by introducing the culture of various crops unknown in this part of India, had decree after decree given against him in the civil courts—many of them so absurd, that they gave rise to fresh law-suits in the vain endeavour to have them executed. We could bring instances of parallel cases, where natives only were concerned, where decrees were given in their favour, which would have made Mr. Lamb's fortune had the same law—we shall not desecrate the name of justice by applying it to any of the dicta of the Sudder—been dealt out to him. But the interloper was there. He was to be put down. If he had not been put down, he might have had the presumption to grow cotton; and, by supplying Liverpool with that material, to have made English people take as great an interest in, and become as well acquainted with the affairs of India as they are with those of America.

"However long a European may have been in possession of land, every means, even to the endangering of the salvation of the judges themselves, is to be used to oust him from possession, and to give it to a native, with which class the Civil Service believed, till lately, perhaps, they could do anything. This is an error on the part of the Civil Service. Since Reg. II. of 1819, and the Public Works Loan, the native believes that there are no depths so low to which the Company Bahadoor cannot descend, so long as they have power on their side. The Englishman confesses that the Government is 'awful dodgy,' but cannot believe that the men whom he knows well, and knows to be tolerably honest in their private transactions, could be guilty of the rascalities which have been committed under the aforesaid regulation. But we are running away from our subject, which is, that however long a European may have possessed land he must be ousted somehow or another. Example: Messrs. Lamb and Wise, two gentlemen settled in the Dacca district, learned from their attornies that an estate was to be sold by the Collector at the instance of the owner's creditors. They agreed to bid for the estate, and to purchase it together. The estate was put up for sale, and they bought it. Though many objections were raised to the manner in which the sale was made, &c. by the late proprietors, at the time of and immediately after the sale, they were all overruled by the courts. Messrs. Lamb and Wise were put in possession, and continued in possession for eleven years, eleven months, and odd days. If the twelve years had passed, their title would have been secured by prescription. But before the twelve years had expired, a suit was brought to upset the sale on the ground that the law prescribed that notice of sale should be affixed in ten places. It had been so in nine, but there was a doubt with regard to the tenth, whether the place where it was affixed was situated on certain lands or not. The case came on in the local courts, and was decided in favour of Messrs. Lamb and Wise. It was appealed to the Sudder, where it was, as a matter of course, decided against the interlopers by two judges out of three—decided, we have almost the highest legal authority in India for saying,

evidence of Mr. Theobald and Mr. Freeman before Mr. Ewart's Colonization and Settlement Committee.

against the common sense interpretation of the law. But what can be expected from judges who have absolutely no legal training, and who consider the interloper as a being who has no right to be in India.

"Such are a few—we solemnly affirm—a very few—of the instances we can give to Mr. Ewart of the tenures on which lands are allowed to be held by Europeans in India. Were we to unfold a half—one third—of what we know, we should be scorned as unjust traducers of the Civil Service of the Honourable the East India Company. Fortunately, we can prove every word we have said from the decisions of the Sudder Dewany Adalut. Lord Canning must have wondered why his proclamations were so little believed. It is long—as the evidence of every independent man will prove—since the assertions of the Government of this country have been believed by its subjects.

"If more witnesses be required, I can myself point to two. Let Mr. James Beaumont, the Manager of the Beypoor Iron Works, be asked to detail his experience of the difficulties with which an European adventurer has to contend in this country. Let Mr. Summers Hutchinson, of Dublin, who has travelled over a large portion of India, and almost all the rest of the world, be asked for his opinion as to the condition of India as compared with that of any other country he has visited."

Let us turn to the Parliamentary evidence.

Mr. Wise, before the Lords' Committee, 5th May, 1853, speaks as follows:—

Q. 5249. "Are there any legal difficulties which disincline persons to purchase land in that part of the country?

A. "There are difficulties."

Q. 5250. "Is any person, purchasing land, liable to much litigation?

A. "He is subject to constant litigation. No person can have landed property in India without more or less being forced into litigation. There are very often suits brought against you; even in the case of estates purchased at Government sales, you have suits brought."

Q. 5251. Lord Broughton: "As to the validity of the tenure of the land?

A. "Yes, as to the tenure of the land."

Q. 5252. Chairman: "In conducting those law-suits, is the owner subject to much difficulty in the way of evidence?

A. "Very much. The evidence is, generally, in India, all false, both the documentary and the oral evidence; and the judges are obliged, of course, to go with the evidence laid before them, either documentary or orally given; so that he has great difficulty to contend with."

Q. 5253. Lord Monteagle: "Do suits often arise from the boundaries being undefined?

A. "Yes; the boundaries are undefined, and the natives get up all kinds of cases. They even ante-date papers, and all kinds of frauds are got up; and, therefore, it is very difficult for Europeans safely to own property."

Q. 5254. Lord Broughton: "Are they at all affected by the Resumption Regulations?

A. "The Resumption Regulations were the greatest blight and curse that the Government of India ever inflicted upon the country."

Q. 5255. "Do you mean with reference to the land taken by indigo planters?

A. "With reference to all landed property in Bengal. It has covered the whole

Perhaps the chief obstacle to the British settler is the condition the administration of justice. What a pregnant fact is that

country with forgery and perjury, by making it necessary for every man to produce measurement papers and documents; by setting aside the laws of 1793, and compelling people to prove their right to property for 70 years back, a thing quite impossible to do. This law, put in practice immediately, sets every man to work to fabricate papers, because it was imperative upon the judge to decide in favour of the Government, unless you could prove by documents that the property had belonged to you 60 or 70 years."

Q. 5256. "Are you speaking of the district with which you are more peculiarly acquainted, or from what you have heard with respect to the Resumption Laws in other parts of India?

A. "I saw how the law affected myself and neighbourhood chiefly; but, of course, I have heard a great deal of its effects in other parts of the country."

Q. 5257. Earl of Ellenborough: "Had it not very much the effect of shaking the confidence which the people formerly possessed in the Government?

A. "Completely."

Q. 5258. Lord Wynford: "Then it is the difficulty of ascertaining the tenure, not the fear of being under this mixed law, that prevents Europeans from settling in the country?

A. "There is no law; and the issue of a suit is a matter of great uncertainty."

Q. 5259. Chairman: "Are there any other causes which tend to prevent Europeans from purchasing land?

A. "The magisterial powers are the great difficulty to Europeans: the magistrates are generally young men; they are poorly paid; and when they have become sufficiently experienced for performing satisfactorily the magisterial duties, they are made Collectors; and having reached that position, and become really useful and efficient, they are transferred to another district as Collectors."

Q. 5286. "On the exercise of that power, does the security of life and property in his district very much depend?

A. "I think so. I have seen a district in the very highest state of discipline, and everything comfortable, under a good magistrate; and I have seen the same district put into the very opposite state in the course of a few weeks by a bad magistrate coming in his place. It is immediately known to the natives; they are very quick in discerning character."

Sir Charles Trevelyan deposes as follows:—

Q. 6731. "Do you consider that the permanent settlement of British-born subjects in India, in the prosecution of industry and the investment of capital, is a thing to be desired, or the reverse?

A. "Certainly, it is to be desired. As far as it takes place, it will powerfully conduce to the happy result of consolidating our dominion in India, and especially now that the English in India are going to be placed under equal laws with the natives, and under the same courts of justice; for so long as they belonged to a separate jurisdiction, they were an element of disorder and misrule. The line which they took was to depreciate and disparage the native courts; but when they are once placed under them, they will then become an element of good, and we shall have a power of improvement introduced in this way into our judicial system, of which we have no conception at present."

well-known practice of the Calcutta merchants to make it a condition of their contracts with Mofussil traders and growers, that

Q. 6732. "Is it your opinion that the past unsettled state of the law as between the English and the natives, and, above all, the state of the law in the Mofussil, without the remedy of a code or *Lex Loci*, as was proposed, has been a considerable impediment and discouragement to the settlement of the English in India?

A. "I have no doubt that it has been a great impediment and discouragement to the settlement of the English in India, and thereby a great drawback to the improvement of India."

Q. 6733. "Then, it is your opinion that English settlers or emigrants located in India, would rather have a tendency to lead the party friendly to British connexion than to become leaders of discontent and turbulence?

A. "That is my firm belief. I believe they would accomplish two objects—that they would be on the side of English connexion, but that, at the same time, with the true spirit of Anglo-Saxons, they would be stout and open-mouthed against every local grievance."

Q. 6734. "In a statement, made by Lord Macaulay upon the former renewal of the Charter, he said that 'Next to the opening of the China trade, the change most eagerly demanded by the English people was, that the restrictions on the admission of Europeans to India should be removed.' He goes on to say, 'In this measure there are undoubtedly great advantages. The chief advantage is the improvement our native subjects may be expected to derive from free intercourse with a people far advanced beyond themselves in intellectual cultivation. I cannot deny that this great change is attended with some danger.' Now, from that passage we may conclude, that the advantages of English settlement in India are great and obvious; but what is the risk connected with English settlement?

A. "I presume that the risk which Lord Macaulay contemplated was this, that the English settlers might head a national Indian party; but India is such a great country, and the preponderance of native feeling must be so decided for an unlimited number of years to come, that Europeans will be lost in the mass; and they will have exactly the same motives to deprecate the re-establishment of a pure native Government which the Anglicised natives have; and for an indefinite time to come, they will stand by the British Government, as representing the land of their fathers, the land with which they are naturally connected, and the land from which, and through which, and by which, they hope for the improvement of India."

Q. 6735. Earl of Ellenborough: "Do you think it possible that the natives might assist the European colonists, who are supposed to be settled in India for the purpose of establishing what is now called responsible Government; and that, when they had so separated them from the dominion of England, they might overthrow the colonists themselves?

A. "That would be a very probable result to the Europeans, for the number of English settlers will always be comparatively a mere handful, because the country presents great physical obstacles to the settlement of Europeans from the nature of the climate; and Europeans, foreseeing that result, will be more disposed to side with the British Government and to support it."

Q. 6736. "Do you think that a separate Government established in India would pay the dividends upon the East India stock, or the pensions due to the civil and military servants?

breaches of contract shall be sued for in the Queen's Supreme Courts! When I exposed the state of the administration of

A. "It would depend upon the terms on which the separation took place. If it took place according to the course of policy which I recommend, they certainly would pay it, supposing the debt then to exist; but if it took place according to the native policy, there would be a clean sweep of everything,—men and money, and everything."

Q. 6737. Chairman: "Do you contemplate it as probable that there can be any great number of permanent English settlers in India without great physical and moral deterioration?

A. "I think there would be physical deterioration to a certain extent, but the progress of Christianity in India, both among Europeans and natives, is such, and public opinion is improving so fast, that I do not think there will be any moral deterioration; but although, according to my view, the European settlers in India would never be numerous, they would be extremely influential in proportion to their number. One stout Englishman is as good for routing out and exposing abuses in a Judge's or Collector's Court as several hundred thousand natives."

Q. 6741. Lord Monteagle of Brandon: "If there were European settlement and colonization along the line of those Upper Provinces which you have described, would not that in itself, and independently of any other advantages, give very great strength to our Indian empire upon the whole of that frontier?

A. "No doubt it would have a great tendency to confirm our dominion in India. I am strongly impressed with the idea, that India is so vast a country, and is inhabited by races differing so much in their character and degree of civilization, that its consolidation into a single nation, possessing national sympathy and coherence, such as would allow of self-government, is so difficult and so distant, that we have nothing to fear from that source."

Q. 6742. Lord Ashburton: "Can you say, from your own experience, that the presence of European settlers in a district has a tendency to render our dominion more popular?

A. "Yes. The instances of European settlers in the upper country are few; but all that I know were in favour of that idea. Colonel Skinner and his family is an instance that immediately occurs to me. They greatly tended to the confirmation of our dominion.

Q. 6743. "My question was intended to refer more particularly to indigo planters and mercantile settlers?

A. "The district of Bengal, in which indigo planters most abound, is Tirhoot. It is well known that there is not a more flourishing and prosperous district in India than Tirhoot; and if every other district rebelled, I should expect that Tirhoot would stand by us."

Q. 6744. "Should you say that the presence of those Europeans has a tendency to make our dominion more popular in the country?

A. "I should say, decidedly so, even now, under the disadvantage of their being under a separate jurisdiction. Whatever inconveniences may exist, arise from the very anomalous and objectionable state of the law as between them and the natives, which gives them a very unfair and improper advantage, and is really for their injury, because it prevents the establishment of confidence; but if that were removed, I should say that they would be altogether and entirely an element of strength and popularity."

justice in the Presidency of Madras I was accused of hasty generalization and induction from insufficient premises; but the

Evidence of Mr. Cameron:—

Q. 7460. "Do you not consider that the uncertain state of the law as affecting Europeans in India must have been a great impediment to the settlement of Europeans in the interior in times past, and even up to the time present?

A. "Yes. I think it is."

This is the evidence of Mr. Moore:—

Q. 5875. Sir T. H. Maddock: "Is there any impediment to a gentleman like yourself settling in any part of India, and carrying on cultivation or trade?

A. "I was in India as a 'covenanted free merchant.' There is no impediment now; there was during the last Charter."

Q. 5876. "There is no difficulty in carrying on any mercantile operation?

A. "The difficulty is this. Before I came home, I was speaking to one of the most intelligent merchants in Calcutta with regard to this question, and his words were these: 'We do not like to trust our capital out of the jurisdiction of the Supreme Court.'"

Q. 5877. "Does that imply that there is a want of confidence in the administration of justice in the Mofussil Courts?

A. "It is the uncertainty of the law that is complained of."

Q. 5878. "It is not from any feeling of distrust of the administration of justice on the part of the judges?

A. "I think the system is considered faulty, more than the men engaged in it. A question was put to a former witness, Mr. Halliday, whether the natives generally have the same opinion of the Queen's judges as they have of the Company's judges. I do not think they have the same opinion of the Company's judges that they have of the Crown judges, simply from the fact that they see everything in the Queen's courts publicly and openly argued, and they know that no money can prevail there; whereas they have not that opinion of the Company's courts. Within my own knowledge, large sums of money are remitted by people in the country to their agents in Calcutta, thinking that money will help them in those courts."

Q. 5987. Chairman: "Is there any portion of your former evidence which you wish to explain?

A. "I wish to reply to a question of Sir Herbert Maddock, which I had not an opportunity, on the last occasion, of replying to in full. The question asked me by the Honourable Member was (No. 5875), 'Is there any impediment to a gentleman like yourself settling in any part of India, and carrying on cultivation or trade?' My answer was, 'I was in India as a covenanted free merchant. There is no impediment now; there was then.'"

Q. 5988. "What do you wish to correct or explain in that answer?

A. "There is no impediment, at least, no open impediment to a European settling in the country, though a former witness, Mr. Leith, alluded to an antagonism between the indigo planters and the civil servants, caused, as he thought, by the latter now enjoying trade which the former possessed. But an Englishman has no redress from the servants of the Company when he settles in the interior. I will cite cases on that subject, if I may be allowed. In 1849, the district judge of Pornea gagged a European gentlemen, Mr. Cruise, in open court. I knew this gentleman's family in Ireland, and I know he obtained no redress. Nothing was done to the judge; he was

area of induction has been widening to me ever since. I have had several years more experience since I wrote, and an extensive

allowed to come home to this country, with his pension. Again, a short time since it was reported from India that an indigo planter had been imprisoned by a magistrate of the name of Woodcock. The country prisons are not fit to confine natives in, not to say Europeans; however, the latter are rarely seen within their walls."

Q. 5989. Sir G. Grey: "When did those occurrences take place?

A. "Within the last five years. The first occurrence took place, as I said before, in 1849; the other during the last year."

Q. 5990. Chairman: "Are you aware what the cause of imprisonment was?

A. "I am not aware what the cause of imprisonment was; but I am aware that the Governor-General, Lord Dalhousie, removed the magistrate from his appointment. There was another case to which I can refer—the case of Mr. Hay. There has been a most excellent pamphlet published by Mr. Prinsep, late of the Bengal Civil Service, in which he states that he wishes civil servants to be tried, not upon their covenant, but like every other European. Mr. Melville quite agrees with me in opinion, that it would give very great satisfaction if this were carried out. We do not know, when a civil servant commits any offence, that he is subjected to any trial at all; in fact, you have it in evidence from one of themselves, that 'a civil servant may be corrupt with impunity.' No European likes to settle in the interior when the laws are so uncertain, and there is so little judicial responsibility."

Q. 5991. Mr. Hume: "What would you suggest in order to remove the complaints which you say exist, and to encourage the settlement of Europeans in the country?

A. "A reform of the laws, and of the mode of administering them. When we consider the benefits already conferred upon the country by the industry, energy, and intelligence of indigo planters in creating a monopoly in the article of indigo, which has superseded that of the Dutch, any legislative improvement tending to encourage the residence of Europeans in the Mofussil may be regarded as an object of importance in a mercantile and financial point of view."

Q. 5992. "State the particulars of the reform which you would introduce?

A. "I would introduce the English law as far as it is practicable. That is what we want; we do not wish to be tried by one law, and the natives by another. No Englishman has any objection, if the law is fair, to be subject to it; but the argument used hitherto has been, that, as soon as Europeans are oppressed by the law, they will exert themselves to effect its reform."

Q. 5993. Sir G. Grey: "Do you mean that your remedy would be the introduction throughout India of the English law?

A. "I would not say altogether the English law, but a modification of it suitable to the country, and by which men can have justice."

Q. 5994. Mr. Hume: "You mean to say that an English settler in any of the districts in the interior is not tried in that manner, and does not receive that protection, which you think ought to be awarded to him?

A. "That is my decided opinion."

Mr. Macpherson, examined as to the native petition, says as follows:—

Q. 8389. "The petitioners do not state that they have not had an opportunity of judging how far these tests have remedied the grievance, but they state, on the other

practice in the Sudder and Mofussil Courts; and I can sincerely assert that were I to abstract the published Sudder decisions from the day I wrote up to the present, the results would be precisely the same. How can it be otherwise? No change has been attempted. The same Heaven-born amateurs still occupy the bench, and the quality of their judgments cannot but be the same. Let the reader but reflect upon the consequences of such a pitch-and-toss system of decision upon mercantile operations. I am not speaking now of the bribery and corruption which prevail in every court in the land among the whole body of native officials; nor of the weary delay and length of time over

hand, that the grievance still exists, without making any reference to the tests, or any allusion to any endeavour made by the Government to remedy the state of things of which they complain?

A. "I am not at all surprised that they should speak very strongly of the hardships which they have endured from the mode in which justice has been administered in India. I am, myself, a witness as to what the natives, and what, sometimes, Europeans have suffered in the interior from the mode in which the business has been committed. I may mention a case of my own. I became a purchaser of Rangaunitty, within fourteen miles of Moorshedabad, one of the principal fillatures belonging to the Company. I purchased it at public auction, in Calcutta, in 1835. This residency had a certain amount of land attached to it, on which a certain rent of about 1,200 rupees a year was to be paid. On purchasing that property, of course I supposed that I was purchasing whatever rights the Government possessed in their commercial capacity, and that they were transferred to me as purchaser of the property. A very few months after I had paid for the property, I was informed that the Collector had resumed more than half the land, and alienated it from me. Though I had seen a great many very despotic actions done by men in power, I could scarcely believe that this could be carried out; but I issued orders to my people to resist the removal of the crops. The Collector who assessed the land happened at the same time to be the magistrate, and, in his capacity as magistrate, he put my people into prison. I had no information or notice of any description given to me till this occurred. I remonstrated with the Collector and with the Commissioner; and for five years the question was sent from one Collector to another, and from one Commissioner to another. I think there were three Collectors and three Commissioners. Just before my departure from the country, I requested an audience of Lord Auckland, the Governor-General, and I stated to him this grievance; and I also stated to his lordship that, if it required five years for a European to obtain any redress for a grievance of this nature, it must require a great deal longer for a native. The case was not brought to a close even when I left the country. By a calculation of one of the Collectors, it was supposed that my loss from being deprived of those lands must have amounted to upwards of 40,000 rupees. I proposed that if 10,000 rupees were given to me, and all further litigation and inquiry ceased, I would be willing to take that amount. Three months after I left the country, the amount was paid to my agents."

which litigation extends; nor of the numerous appeals, with their attendant expense; nor of the perjury of witnesses with which an upright suitor has to contend; though all of these are most formidable difficulties in the way of an adventurer in the Mofussil, where no man can exist without being forced into litigation, sooner or later, and to a greater or less extent. The editor of the "Dacca News," with his ninety-two suits, sinks into insignificance beside the Bengal planter who, a witness before the House of Lords' Committee, told Lord Ellenborough he had a thousand suits; and even beside the late Mr. Morrison, who farmed the Abkarie in North Arcot, and told me himself that he had had 1700 suits in the course of his business, which only extended over a few years. I am speaking solely of the quality of the decision when it is pronounced, not of the difficulties which beset the way to obtaining it; and I say that the decisions are such that no man can safely invest his money in any contract which he may be necessitated to enforce at law. I could give a host of proofs. I select two at random from my own Sudder practice within the last two months. I take them not because they present any extraordinary features, but because they are the first that suggest themselves to my memory on the spur of the moment.

A timber merchant in Malabar sued the proprietress of a forest for non-delivery of certain logs of wood of the value of 69,000 rupees, which he averred she had contracted to sell to him. In her answer she denied the contract. The plaintiff thereupon petitioned the court to have the timber made over to him, he finding security, on the grounds—1st. That the defendant was masking and concealing it in a neighbouring forest. 2nd. That he had entered into contracts with third parties on the faith of obtaining this wood, and he would be a loser if he could not fulfil his contracts. These damages were contingent, and might have proved the subject of a cross action if they were really sustained. The defendant denied that she was masking the property. She pointed out that by the regulations, the course is laid down for the judge to pursue in case of any complaint made pending suit—that the defendant is concealing or making away with property. The judge is to examine the witnesses of both parties on oath, and if he thinks the property is in danger he may

attach it. But the court, without holding any such inquiry, and taking the plaintiff's own word as to his sub-contracts, passed an order for the whole of the timber to be forthwith handed over to him, he furnishing security. Against this order the defendant appealed to the Sudder. I prayed, *ex parte*, for an injunction to stop the execution of the order until the appeal was heard. This was refused, on the ground that the case would soon come on, and might be disposed of altogether. Circumstances delayed it for some time. My client wrote to me that if the Sudder Court's order was not obtained soon, it would be too late, as the timber was already being made over to the plaintiff. At last the case came on; it was so simple, that the order was recorded on the mere reading the petition; no argument was necessary. The plaintiff has now put in a petition for review of judgment. What merchant would like to embark in the timber trade if he is liable to have 70,000 rupees worth of his logs handed over to any one who chooses to file a plaint against him, notwithstanding he denies, by his pleading, that any contract was ever entered into between him and the plaintiff?

A zemindar contracted with A to let him his estate for ten years. He broke his contract, and let the land to B. At the expiration of the ten years C purchased the right to sue on the contract from "the heir of A," and sued the zemindar for the breach. He laid his damages at 50,000 rupees. He called a few writers in the employ of B, who stated that B's profits on the ten years were 40,000 rupees, and this sum the judge awarded. A clear premium for champerty! A man might as well assign a right to sue for a breach of promise of marriage! The appeal is before the Sudder now. No account was taken of the labour, the capital, the time, the skill of B, employed to secure these profits; no consideration of the fact that A, his heir, and the assignee, had literally done nothing; and that in their hands the estate might have been worked at a loss. There was no proof that A had purchased seed, ploughs, bullocks, or the like in the belief that he was to have the lease. What B made by the sweat of his brow was made the measure of C's damages, who had been hard at work on his own business the whole ten years, never been a penny out of pocket, and obtained an annuity out of a breach of contract with another man! If I were to let

my chambers to the dullest practitioner of the bar, and refuse to let him enter, he might just as reasonably, in suing me for the non-fulfilment of my contract, claim all the fees I had earned from the date of the breach up to action brought!

Take the business of one day in the Sudder Court. It affords an average specimen of the occupation of that court. Two suits were brought upon an account stated. The judge had written lengthy decrees, in which he found in favour of the plaintiff. Especial reference was made to a particular letter. When this letter was read, it was found to be an express repudiation of the plaintiff's claim, and a dispute of sundry items! As the pleader sarcastically remarked, either the judge had not read the letter, or he had no notion of the meaning of an account stated!

The next case I was engaged in myself. A had obtained a piece of land under a decree. It was described by miles and bounds. This land she sold to B. The bill of sale referred to the land as that which had been awarded to A in the suit. B filed his plaint to recover possession of this land; he obtained a decree; and in execution the judge had put him in possession of my client's land, which lay *outside* the four specified boundaries. He, of course, appealed. The Sudder sent for an explanation, which amounted to this,—that the judge could do no better, and had had a deal of trouble in doing even what he had; but he pointed out that the arrangement was only temporary, and that, if he could discover hereafter the land that had been really sold, plaintiff might have possession given of that, and my client's land be restored to him! Having reversed this order, I left the court for my other business. How can property have any value; how can men venture to risk their capital, when they may at any moment be beggared by such idiotcy as the above?

Connected with this is the paucity of magistrates in the Mofussil.* There is neither a magistrate accessible, nor a road to

* Here is an extract of a letter from a Wynaad planter, which will show how little has been done, and what is really wanted by the settler:—

"'Tis a common fallacy to hope, expect, and demand much from a Government. Such hopes and expectations are always signs of shortcomings and weakness on the part of the governed. This the Government doubtless feel. But if a Government has its rights, so it has its duties, and one of them is the removal of all obstructions to the investment of capital and the free exercise of the enterprising genius of its people. Will Lord Harris in Council, will the Honourable the Board of Revenue, in solemn

reach him if he were so. Two instances have just occurred in point. A planter on the Sheveroy Hills wrote to me that he had detected some women stealing his coffee. He was forced to go down to Salem to bring his complaint; that is to say, six miles down the Ghaut, and five more to the town. When he reached the station he found the magistrate absent on jumabundy; he was told he must come again; but as his time was too valuable, and the loss was petty, he saw no use in throwing good after bad, and thus the people find that they can steal with impunity. The case is the same with respect to the recovery of advances. This custom of the country is so irradicable, that no labourers will engage themselves for work without an advance. The delay and expense of recovering advances is so great, that it is seldom attempted, and the planter is at the mercy of his coolies. Some few years ago a planter was brought down from the Sheveroy hills to the Madras sessions to be tried for the murder of a coolie, whom he had thrashed in a moment of exasperation of seeing him, while under his own advances, tending the cattle of a neighbouring planter on the adjoining plantation. I have myself a considerable coffee estate on the Sheveroys. My manager lately wrote me word that the maliálies, the indigenous people

conclave assembled—will they, I ask, endeavour to do this? Will they give us security for titles to land by some legislative act within the scope of their wisdom?

"Will they give us an European magistrate, and some hope of an efficient police?

"Will they give us an act, or extend any act, by which we may hope to punish our servants and labourers absconding without notice—absconding with our money advanced to them in good faith to enable them to join our plantations?

"Will they give us roads on which ourselves and our produce can travel, and take measures that all traffic shall not be closed in the rains?

"And finally, if the old red tape binds us—if Wynaad, at present, does not look so financially flourishing as other districts—if money is required—tax us by all means—we are anxious to be taxed in money—(for God knows our patience has been taxed long enough)—tax us, but give us security for our lands.

"Tax us but give us a magistrate, and some semblance of a police, not leaving us as now at the mercy of a parcel of mangy and useless native officials. They are all corrupt, and our collectors and magistrates (European) know it. Why, I heard a gentlemen offer a certain police Ameen 50 rupees per mensem the other day, provided he would enter his employment—but no; the virtuous man was too knowing for that, and declined the offer as he thought his Ameenship more lucrative on a salary of 15 rupees per mensem. Tax us, but give us roads and bridges, so that in the rains our coolies may not be starved, nor ourselves shut out from the world for days together, like Robinson Crusoe on Coffee Islands."

of the hills, had cut down 30 acres of forest within my boundary. Force is the only means of prevention. I had to write to the Collector; he is out at this season on jumabundy in the district; and it will take at least a fortnight before any order can be served upon the aggressors. Irreparable mischief is then done: "All the Queen's horses and all the Queen's men can't put my trees up again;" and though I may punish the offenders, no damages can restore me to my former position. If a magistrate were resident on the hills, and there were a law of master and servant, one great impediment to enterprise would be removed. Many a respectable intelligent planter would be glad of a little increase to his income—say 200 rupees a month—by being made a stipendiary magistrate; but the Government is so jealous of interlopers, that any such suggestion is sure to be put on one side, on the plea of the chance of the misuse of such powers. No one can be trusted without the pale of the regular service; or if an appointment be conferred upon any independent gentleman, the jealousy of the Civilians, who dislike parting with a fraction of their exclusive power, will be arrayed against him, and be pretty sure to make the situation so disagreeable, that it will be thrown up in disgust. Even while I write a case exactly in point comes to hand. The exigencies of the hour have thrust upon the Bengal Government the necessity of availing itself of the services of the indigo planters in the Mofussil. These gentlemen have accordingly, for the first time, been appointed honorary magistrates, and it is not too much to say that they have exerted a very material influence in keeping quiet the districts under their respective charge. Mr. Chapman, the Civilian magistrate of Rajeshaye, has been treating the recently-appointed officers with incivility, and giving them every possible petty annoyance,—a poor return for their gratuitous services! At last he forwards a formal complaint against Mr. Deverell, and recommends that his "commission as an assistant-magistrate be forthwith cancelled, for having abused the trust reposed in him by Government in making his magisterial powers a means of oppressing the ryots of a zemindar with whom he has been for some time at variance." Mr. Deverell shows how utterly unfounded this statement is; and, after conclusively proving his own superiority in point of reasoning powers and regularity to his

opponent, concludes his official letter as follows:—"In conclusion, I have a few remarks to offer, which, I trust, will meet with your attentive consideration. I believe it will not be denied that it was the object of Government, in appointing honorary assistant-magistrates, to relieve the magistrates of a portion of their heavy duties, and to enable them more efficiently to preserve peace and good order in the districts under their charge; and I think it will be admitted that, as the honorary assistant-magistrates discharge their duties without receiving any stipend, the very least that they may in justice expect is civility, and the cordial co-operation and support of the magistrates. I have no hesitation in saying that the honorary assistant-magistrates in the Rajeshaye district have every reason to be dissatisfied with the conduct of Mr. Chapman towards them. For my own part, I think I have evinced great consideration towards him in not handing him up to the notice of Government, as one who, by a series of interferences and petty annoyances, is bent upon defeating the object of Government, by disgusting the honorary magistrates so as to induce them to throw up their appointments. Mr. Chapman, by the way in which he conducted himself, and the expressions he made use of on the occasion of his local investigation, gave a direct encouragement to Protab Shaik and others (No. 3) to make a complaint against me (copy annexed). This was accordingly done in a petition, the language of which was so unseemingly disrespectful towards me, that any other magistrate but Mr. Chapman would at once have rejected it, and ordered it to be reframed.

"I am sure I am not singular in the opinion that, instead of working with and assisting and supporting the honorary magistrates in his district, Mr. Chapman conspicuously throws every obstacle he can in their way, and rarely loses an opportunity of lowering them in the eye of the natives. Should you entertain any doubts as to the correctness of the above assertions, you will have them amply confirmed by a reference to my brother honorary magistrates of the districts."

The Commissioner, in forwarding the papers to the Bengal Government, remarks that Mr. Chapman has been "somewhat hasty in his conclusions," and that his "interference is irregular." He concludes:—"The system of minute interference, on the

part of the officiating magistrate, with the proceedings of the honorary assistants, of which Mr. Deverell complains, is, no doubt, calculated to cause discontent among that body, who, for having given their services to Government gratuitously, naturally look for support and co-operation from the magistrate of the district. I should be sorry to see an experiment, from which such valuable results are anticipated, defeated by any want of courtesy, or appearance of jealousy and mistrust, on the part of the local authorities; and I think the magistrates, under whom these officers are placed, should be very careful to avoid the exhibition of such feelings." Mr. Halliday, the Lieutenant-Governor, observes that, "taking, then, Mr. Deverell's denial of all interest in the land as unrefuted, and therefore quite sufficient under the circumstances, I cannot but agree with the Commissioner that Mr. Chapman's conclusions were hasty, and his interference irregular. I must add, that his recommendation for the removal of Mr. Deverell from the magistracy was altogether unwarranted." This is a pretty specimen of the thanks which those are likely to get for their pains, who, even in the most difficult and perilous times, trench upon the offices of the self-styled "aristocracy" of India.*

* The following is an extract of an official, recording his opinion of one of his subordinates (both Civilians). It shows the necessary result of putting young and untrained men, of however excellent intentions and personal character, into situations that require special, trained qualifications. It is very instructive.

"Mr. C, the officiating magistrate, is intelligent, anxious to do his duty, right-minded, and not wanting in industry; but, notwithstanding these good qualities, his administration has been, I regret to say, up to this time a complete failure. His proceedings as a judicial officer have been neither vigorous, methodical, nor legal. They have been dilatory, lax, and uncertain. The proceedings of the subordinate police have been intolerably slow, irregular, and inefficient; while the state of his own serishta is worse than anything of the kind that I have ever seen in my whole official experience. He has retained in his own hands nineteen-twentieths of the work of his department, while the officers appointed to assist him have been almost unemployed, and yet he complains of Mr. —— as having failed in giving him relief. The result has been, of course, that business has been done in a slovenly and hurried way, raising a constant necessity for the reversal of his decision, and affording much ground for animadversion on his manner of performing duty. Two cases of marked illegality in his proceedings have recently been brought to the notice of the court, and have attracted their displeasure. At the close of last year, although not blind to Mr. C's defects as a magistrate, I was in hopes that further practice, and the instruction and advice of his superior officers, would have powerful influence in forming his official character. The result has not borne out my expectations. It is with great regret

Twenty years ago, Lord Metcalfe pointed out the consequences of this inevitable cause of jealousy and antagonism, which nothing but the destruction of an exclusive service can eradicate. "Well or ill founded," he said, "they will always attach to it the idea of monopoly and exclusion. They will consider themselves comparatively discountenanced and unfavoured; and will always look with desire to the substitution of a royal government." "For the contentment of this class," he urges, "*which, for the benefit of India and the security of our Indian Empire, ought greatly to increase in numbers and importance,* the introduction of a royal government is, undoubtedly, desirable."*

The insufficiency and uncertainty of title is another terrible obstacle to the adventurer, and no doubt turns many a man and many a purse from India. Let me instance what is now before my eyes with respect to coffee planting, which bids fair to be one of the most attractive occupations of settlers in the Southern Presidency. In Malabar there are vast tracks of forest land, equal to the best situations in Ceylon. Planters from that kingdom, who have visited the Wynaad, admit the excellent adapta-

that I record so unfavourable an opinion of an officer, whom, in many respects, I think of high promise; but attributing, as I do, his failure in a great measure to the want of previous experience, I would use his example as a powerful argument against placing in such independent charge, young officers who are not fitted for them by previous training and mature official experience. Mr. C, I understand, had never been for a single day in charge of a subdivision, or even of a thannah. Men are here and there to be found, whom strength of character and natural capacity for business render independent of official training; but such instances are rare, and not less so in our Civil Service than elsewhere. The supercession of Mr. C by an officer of far higher standing has been notified in the 'Gazette,' and I have every hope that, before he is again placed by circumstances in charge of a district, he may have made such progress in methodical application to duty, and in acquaintance with the details of a magistrate's office, as to sustain his responsibilities with credit and efficiency."

* Mr. Allen, a retired Bengal Civilian, in his pamphlet, entitled "A Few Words anent the Red Pamphlet," writes (p. 29):—"With regard to the suggested future encouragement of the settlement of independent Europeans, it may be asked, When has the Saxon in India wanted or required Government patronage? All he requires there, or elsewhere, is a clear field and no favour,—and that he has had." Let this chapter be his reply. Aristotle, in his "Rhetoric," advises the controversialist never to put his argument in the form of a question, unless he is certain that it is unanswerable. A wise caution.

tion of those jungles for coffee planting.* Labour is much cheaper and more easily procurable there than in Ceylon†; for Ceylon is supplied with Indian Coolie labour, by annual emigration. Something analogous to that of the Irish reapers and hay-makers into England. With the railway running through Paulghaut to the western coast, there will be a near, cheap, and easily attainable port of shipment. As it is, the coffee-cultivation is on the increase; but many are deterred by the great uncertainty which exists with respect to titles and licenses; and in this respect, the simplicity and certainty of the system in Ceylon, whereby a man can buy land out and out, far more than counter-balances the advantages offered in India, in respect to soil, situation, and labour. It is thus that the

* The following shows the coffee cultivation in the Wynaad, which is one of the most favorable localities for English enterprise, if duly fostered:—

Dindremul	350 acres.	Bithery	50 acres.
Bon Espoir	300 „	Amelia de Lopez	100 „
Wynaad	90 „	Pookoot	150 „
Mary	150 „	Lecadie	350 „
Belview	100 „	Munda Mulla	80 „
Rasselas	150 „	Mowbray	100 „
Teruhulley	100 „	Walthamstow	150 „
Baugh Gherry	150 „	Perende Meetheel	140 „
Poondroong	50 „	Hope	150 „
Bawelly Road	100 „	Chemberah	170 „
Providence	70 „	Adelaide	200 „
Adda ba Coon	40 „	Calputty	106 „
Pew Estate	50 „	Caroline	200 „
Bleak House	23 „	Haredal	200 „
Farnborough	80 „	Suffolk	214 „
Pilla Cardoo	100 „	Sandy Hills	113 „
Terriout	220 „	Peria Chola, Yellamally, Berhuhully	acreage not known
Charlotte	250 „	Eddekel	80 „
"Sleepy Hollow"	40 „		
Culli	250 „		
Annette	100 „		

To the above list must be added a large and increasing native cultivation, the amount of which I am not prepared to state.

† Since this was written, I have seen the letter of a Wynaad planter before referred to, which requires that I should modify this statement:—"Labour would be cheaper in the Wynaad, if roads and other facilities existed; wages would not then range higher than on the coast.

"Planters Association of Western India" addressed the coffee-planters on the Sheveroy Hills, on September, 1857. "In a district but little known, without roads, without bridges, and without law, (for the distance of the courts and the difficulty of travel made the law a practical nullity,) some fifty European planters have been located, where, by years of toil, and a large outlay of money, they have proved the pioneers of civilization, gradually transforming uninhabitable jungles into well cultivated plantations; in many instances making roads, and opening up the resources of a country, of whose agricultural value the Government heretofore seem to have been careless or uninformed.

"It has always been most difficult to procure legal titles to land, or to discover the legal owner; in some cases land has been paid for partially twice over, and capitalists have left the country in disgust, owing to the difficulties entailed by the want of a Government survey, and a court for the registration of title deeds.

"These are some of the evils under which the European settlers have laboured, and it was believed that the formation of a society, combining the great majority of those interested in coffee-planting, through whom our earnest and careful representation might be made to Government of those obstructions to the investment of capital such a state of things was likely to entail, could have none other than the most beneficial effect."

The planters in Western India have mostly purchased the unreclaimed forests from the native rajahs; the Collector is now considering the propriety of saddling their lands with an assessment of 3 rupees per acre, which would effectually drive away fresh comers, even if it did not ruin the old. On the Sheveroy Hills the land is all held from Government. The assessment is fixed at 1 rupee per acre, which nobody objects to pay; but there the grievance is the shortness of the term on which unreclaimed lands are leased. The term is only for 21 years, at the expiration of which the Government resumes to itself the right of re-assessing the land. Some of the older leases were granted in perpetuity, and thus all are not placed upon an even footing. It takes five years to bring a coffee estate into profitable bearing. The outlay required is very large, and the speculator must, of course, be out of his money for some time before he gets any return. The Govern-

ment gives the land rent-free, it is true, for the first five years; but jungle has to be cleared, and such a quantity of work to be done, and money sunk, during this time, that but for this encouragement no one would take up lands. People in India, looking about for something to do in a healthy locality, unable from the pension rules or other circumstances to quit India, turn their attention to these hills; but it is superfluous to argue that no capitalist in England would be tempted to embark his means in a property, of which only some nine or ten years' lease may have to run, so long as he has the uncertainty of the Government intentions hanging over his head, as to the future rate of assessment on the renewal of the term. On the Neilgherries, the demand for land by European settlers is at present very great. The Board of Revenue lately liberally proposed that the grants of lands purchased at public auction, after the rate of annual assessment was fixed, should be in perpetuity; but the Madras Government declined to sanction this, as they observed that the Court of Directors had lately fixed 30 years as the term for cultivation in the plains, and they saw no reason why any distinction should be made in respect to cultivation on the hills.*

* The Board of Revenue, in revising the rules for occupation of land in the Neilgherries, writes thus:—

"With regard to Rule VIII, the Board doubt the expediency of either limiting the term of years for which the land is to be held, or of declaring it subject to a revision of its assessment; and they think it would be an improvement if the present rates were considered permanent, and the land given on a permanent puttah,—the Puttadar or his heirs not being liable to ejectment, except on failure of payment of assessment. It might perhaps be desirable, in the first instance, to consider, in communication with the Collector, whether the rates now in force would be suitable for permanency, and to adapt them to acre, instead of cawny, measurement."

The Government, less liberal, decides as follows:—

"Rule VIII prescribes the period for which leases for lands, taken up for different purposes, are to run, and enacts that the land shall be liable to re-assessment on the expiration of those periods. The Board question the expediency of both these requirements; they recommend that the present assessment be declared permanent, if the Collector considers it to have been correctly fixed, and that the land be given on a permanent puttah. In respect to this suggestion, it is to be observed that under the instructions communicated by the Honourable Court of Directors, for a general survey and re-assessment of the lands of this Presidency, the new assessment is to be declared unalterable for a term of thirty years, after which it would be subject to re-adjustment. Under these orders, the Government see no reason for exempting land on the hills from a rule which is to apply to land on the plains."—*Records of Government.*

Even this, it will be observed, offers better terms, by ten years, than the Sheveroy Hill planters enjoy. In the new rules for taking up waste lands in Assam, the lands are to be granted for long terms of 99 years, at easy rates,* while in the draft rules which I have seen, for the occupation of jungle lands in Pegu, there is a further declaration that the estates shall be hereditary," but a Machiavelian ingenuity appears to have been exercised, I will not say with a view to render everything insecure, fluctuating, and uncertain, but which must produce such an effect. This want of uniformity proceeds from the Government not proceeding upon a clear settled perception of what its own interests, inextricably wrapped up as it appears to me in the interests of its subjects, evidently require. The old jealousy of European settlers still lingers about the traditions of the Council-chamber, and the results are such as I have described.

This appears to be all the more inexcusable in the Madras Presidency at any rate, and also in all newly-acquired territories, because the principles of the ryotwarry, as they have at length come to be recognized, are based upon the indefeasible right of proprietors of the tenant in the soil.

There are sundry matters connected with the security of title which I have considered under the ryotwarry topic. Suffice it here to state, that all measures which conduce to that effect, and tend to prevent litigation, remove so many stumbling-blocks from the path of the European adventurer. A statute of frauds; a statute of limitations; compulsory registration of title deeds, and

* "We learn that the Board of Revenue have framed a set of new rules, regarding grants of waste lands in Assam, under which no grant will be made for less than one-hundred acres; and forest and grass lands will be granted on like terms. One-fourth of each grant is to be exempt in perpetuity, for the site of houses, roads, &c.; the other three-fourths to be rent-free for fifteen years, after which to be assessed for ten years, at three annas per annum for each acre; and from the twenty-sixth year, for seventy-three years, at six annas per acre,—the whole term being fixed for ninety-nine years. One-fifth of the land granted must be brought under cultivation by the expiration of the tenth year from the date of the grant, in failure whereof the grant will be liable to resumption. These new rules are very similar to those framed by the Revenue Board, for grants in the Sunderbuns; and when approved by Government, will probably be extended to Arracan and the Tenasserim Provinces."—"*Englishman*," June 2, 1854.

And see the terms of grants for Gorruckpore, the Dryrah Doir, and Kurraor, issued in 1853.—*Mills'* "*India in* 1858," p. 114.

mortgages; revision of the stamp laws, so as to confine the use of stamp paper to the purposes for which it is bought; the issue of such revenue receipts as may afford evidence of occupancy; a revision of the existing law of perjury, and the like, are all obvious improvements which the legislature should provide at once; and I am happy to think that these measures, together with the introduction of County Courts, are being now advocated by one of the ablest of our Madras judicial officers.

There is another subject which must not be overlooked. I have already spoken of the antagonistic feeling which exists almost everywhere between the Civilian and the planter. There may be fault on both sides; hauteur may be shown by an exclusive service on the one hand, jealousy of that service may be lurking on the other. There is a pre-disposition on both parts to spy out faults, and make or seek opportunities for raising objections. Crimination leads to recrimination; opposition to dislike. When these disputes come up before the Government, I am bound to say that there is almost invariably a disposition to support the service. It must be so. The Council is mainly composed of the same order. There is a natural policy to support authority; a natural dislike to lower a member of the ruling class. It is but seldom that a reference ends like that of Mr. Deverell's; and the difficulty of obtaining any redress against a member of the civil service, be his offence or short-coming what it may, is proverbial. I could give an infinity of instances. Mr. Brereton, for such gross misconduct as would have caused the dismissal of the most influential functionary, where there was a free Government, positively obtained leave to spend a time in England on the usual allowance; he has since returned, and has no doubt obtained lucrative employment. Mr. Shubrick's conduct, with respect to his subordinate convicted of torture, called forth no public reproof. Mr. E. B. Thomas, whose magisterial vagaries were so notorious last year, remains where he was, and as he was; though he has since then been again before the Government, in a dispute between himself and the commandant of the Neilgherries, who, unable to obtain any redress, has now taken his complaint home to lay it before higher authorities. The commandant of the Malabar Police has found that any outsider who opposes a civil servant, goes to the wall. For an offence which the Sudder Court

brought to the notice of the Government, a judge was for the moment suspended; but his friends were powerful about the Council-Chamber, and the next Gazette saw him nominated to a better appointment. He was positively kicked up stairs. The catalogue might be swelled indefinitely.

Let us now peruse what the "Red Pamphlet" says on this subject:—

"Attached by education, training, and hereditary policy to the principle—'India for the Civil Service,' they had steadily discouraged the settlement in the land of that other element, which, in a crisis like that which, in spite of themselves, they felt approaching, might have found a countervailing barrier to Mahommedan or Hindoo rebellion. Had independent Europeans been encouraged to invest their capital in the land of India; had not the terrors of subjection to a Hindoo or Mahommedan magistracy been held over their heads, to prevent such a catastrophe (to the Civil Service); had they been allowed the smallest exercise of political power, or had the way to that power been open to them, an independent body of landholders would have arisen, who would have formed the connecting link between the Government and the natives, and also have been able, from their numbers and organization, to have checked any outbreak on the part of the people of the country. But it was very evident that such a measure could not have been accomplished, without invading the exclusiveness of the Civil Service. Hence it has always been (with the brilliant exception of Lord Metcalfe, who had thoroughly at heart the interests of India,) systematically opposed by the members of that body. Their policy has ever been to shut out independent Europeans from the country. To carry out this end, they have encouraged the trade in opium, whilst they have neglected purposely the cultivation of cotton; they restricted, as much as possible, public enterprises which necessitated settling in the land; and although this policy has resulted in a wide-spread rebellion, it will never be lost sight of so long as the rule exists that a man, were he to possess the highest administrative abilities, would be debarred from their exercise, because he did not in the first instance come out to India as a member of the Civil Service."

It is this policy which has for a century kept India without

roads; though the pressure from without, since the discussions on the Charter Act of 1852-3, and the exposure of the Madras Public-works Commission, have produced an activity in this respect, of which the Company would fain even claim all the credit for themselves. It is surely superfluous to argue how this difficulty of communication operates upon enterprise, but the following examples will be better than all precept.

In the Madras "Athenæum" of March 18, 1858, is a letter from a Wynaad planter, who says that the prospects of coffee planting in that district are not nearly so good in 1858 as they were in 1850. "Labour is not to be had, for the best of reasons; there are no roads to bring in provisions for workmen, and at present prices of grain the coolies cannot make sufficient out of their pay to make it worth their while to come from Mysore and the coast, where labour is now in demand." "On many of the estates in the Wynaad, as much as one-quarter of the crop has been wasted from want of hands to pick it, and at the present moment, the greater part of Mr. Ouchterlony's crop is lying in his stores for want of transport." The extent of that gentleman's operations will be understood from the fact that his last year's crop realized £18,000; the encouragement which he has received from the Government may be seen from the following extract from one of his letters to me, with which I shall conclude this topic:—"What a spectacle it is of a country for enterprise! I have been about twelve years at this cultivation, and the so-called high road to the coast is still barely passable even for bullocks. The nearest court to me is one hundred and fifty miles off, and the nearest police station some fifty."

CHAPTER X.

Topics 17th—18th.

XVII. Do our Law Courts require reform?—XVIII. Is the Police to be reorganized?

The two great evils in our present administration of justice, arise from the incompetency of the judges, and the corruption of all below them. Coupled together, these two causes have made our Civil and Criminal courts the pest and bane of the country. The amount of perjury which prevails throughout the land is not so much the consequence of the natural character of the people, as the result of that feebleness on the bench which cannot contend against the cunning of false witnesses, whereby the natives see that acts of perjury, subornation of perjury, forgery, and the like, are the surest means of gaining causes; that they may be practised with success on the one hand, and impunity on the other; and therefore most liberally had recourse to. As to the character of native evidence, it must be admitted, I fear, that it is altogether untrustworthy.* Any number of witnesses to any fact, however incredible, may be procured in the Bazaar for a few annas. I will just give a few instances which immediately occur to my mind. Mr. Arbuthnot,† in his "Select Cases," gives a cause in which a forged bond was met by a forged receipt. This is a very common form of defence; one, it is superfluous to state, attempted in many cases. The Torture Report lets us into the secret of much false testimony in criminal cases; for if false charges are got up by the police, false evidence must necessarily be suborned to support them. An instructive illustration is furnished by Mr. Lushington.‡ "I was going to men-

* See, however, Sir George Clerk's Parliamentary Report, Q. 2278.

† Late Registrar to the Sudder Adawlut.

‡ Mr. Lushington, House of Lords' Report, 21st April, 1853. Q. 4455.

tion," he says, "an instance of the impossibility of trusting evidence in India. It was the case of a wealthy zemindar, who was accused of murder, and who had absconded; at last, (I do not exactly know how,) I believe he was persuaded to give himself up; he was tried before me; there were about 100 witnesses; the facts of the case amongst the people were notorious beforehand, and had reached my ears. The jury was composed of native gentlemen of very great respectability, the very best that could be procured; I obtained their attendance almost as a personal favour. The prisoner was a man of great wealth and respectability, and I did not wish him to be dissatisfied with the decision which might be arrived at. I think there were about fifty witnesses on either side, and they swore to facts which immediately contradicted each other. At the end of the trial, I availed myself of the latitude allowed by the law, and cleared the court for the purpose of asking the jury what their opinion was upon the subject; they said that every word that had been uttered on either the one side or the other was utterly false. Several of those gentlemen are in Futtepore at this moment; I believe the Principal Sudder Ameen was one of them; the law officer was another; there was not the slightest hesitation among them; there was not an iota of difference of opinion. Having delivered themselves of this opinion, one of them, the Principal Sudder Ameen, observed 'The fact is, we all know the truth.' I reminded him that we must decide upon the evidence; but he continued, 'Everybody knows the fact; neither did this man kill the deceased, nor was he a hundred miles off, as he is stated to have been; but he was in the village at the time, hiding himself in a house for fear his enemies should accuse him.' Whether that was the truth or not, I do not know; but such is the evidence upon which you have to decide upon life and property in India, in which fifty witnesses on each side deliberately deposed to falsehoods, speaks volumes." Dr. Duff's evidence will be remembered. In Madras, the character of native evidence is the point in which our Mofussil judges and their supporters constantly ride off, when brought to book for their anomalous decisions. "Cases," says Mr. Baynes, "frequently occur in which the judge might best decide by tossing

up!" * To my mind, the very difficulty of dealing with native evidence makes the employment of trained labour only the more imperative. At least, it strikes me that a man well versed in the theory and practice of the law of evidence, skilled in cross-examination, and with that knowledge of human nature which practice in Courts of Law furnishes, would, *a priori*, be more likely to detect falsehood and elucidate truth, than a young gentleman left to his own devices to investigate a case, without any landmark, any experience, any knowledge of the fundamental principles of evidence. It is the want of a thorough grounding in the law of evidence, simplified as it has been of late years, and freed from the minute technicalities observed in English Courts, which I think leads to the majority of errors in decisions by the Company's judges. Many a man is convicted, many a man acquitted; many a right declared, and heavy damages awarded, many a right ignored, because the judge has been influenced by the reception of a mass of hearsay and irrelevant matter which should have been excluded from the notes. So strongly did I feel this, that when I was appointed Professor of the Law, I commenced my lectures with the law of evidence, and I am at this moment busily employed in preparing a text-book on the subject, which, I trust, may supply at least one great want in this country.† Let me give a few instances of what evidence is in this country. I do not say that it is of a better quality in the Supreme Courts than the Company's; but in the former, it certainly does not impose on the judges to the same extent. It is seldom, indeed, that a trained judicial mind cannot fix upon some circumstantial evidence, some matter in the conduct

* "Mr. Norton can know little of the practice and procedure in the Mofussil Courts, if he thinks it a matter of discredit to a judge to be frequently unable to appreciate testimony. I would undertake to put Ramasaumy and Veerasawmy before a full Bench at Westminster, and I strongly suspect that when the learned twelve retired to consider, they would feel that the most impartial mode of appreciating the testimony, would be by connecting the veracity of Veerasawmy with the circumstance of a half-crown driven upwards by the thumb of the Chief-Justice, exhibiting Her Majesty's effigy on reaching the ground, and that of Ramasaumy with the contingency of the fallen coin displaying her armorial bearings."—*Bayne's Plea for the Madras Judges.*

† This book, which will prove highly valuable to the native pleaders and others, has since been published at Madras.—Ed.

of the party and the like, which will serve as a finger-post to the truth, let the direct evidence be as perjured as it will. Now for the cases. A gentleman, who holds a large zemindarry, told me that he had to fight a suit against the zemindar. The lease had to be proved. It was only attested by native witnesses. They came to him, and told him that the zemindar had offered them five thousand rupees to deny their signatures. It was a large sum, would provide for their children, &c.; but they were honest though poor, and would prefer to tell the truth if the defendant would give them only fifteen hundred rupees; and my informant actually had to pay the money to make his own witnesses speak the truth. This may seem a strange story; but the gentleman I speak of knew the natives and the courts well; and he acted as he was certain was best for his own interest. On another occasion, a gentleman had to bring certain parties to a criminal trial. The case was clear; the witnesses straightforward and explicit. But the court vakeel came to the prosecutor, and deliberately advised him to put aside the actual witnesses, and to bring forward another set in whom the vakeel had more confidence, because they were accustomed to the courts. Some railway engineers were about to be tried for having caused the death of a coolie by flogging. One of them received the following piquant letter:—

"*6th October*, 1857.

"To , Assistant Engineer.

"The humble petition of

"Humbly sheweth,—

"In consequence of your present case, condition, and trial, my father is really very sorry and depressed in spirit, and as he is an elderly man, and thoroughly knows the laws and customs of this country and collectorate, he begs most humbly to propose that should you wish to bring the case forward again, and bring your witnesses who have said prior to the affirmative to the negative, or if to the negative to the affirmative of your deposition, and have another chance of your trial. Regarding the above, my father desired me to go to you a few days ago. As he requested I came to Seeroomungum to you; persons waiting at your house would not permit me to wait on you, consequently I returned back. Should you think me right and

deem it proper, and further wish me to come over regarding the matter, I shall do so with pleasure; should you desire this, I would wish you to get your witnesses present on that day, and I shall speak to them personally."

That this enormous mass of false swearing is the result of our judicial system, is shown by the testimony already adduced, as to the superiority of the people of Oude in respect to truthfulness over the natives in our own districts, separated only by the river; and by the naive admission of Mr. Campbell in his "India as it may be," "that the longer the people of a newly acquired territory remain under our rule and system of administration of justice, the more given to perjury do they become." A strong Bench will, of course to a considerable extent, repress this crime. When men see that mere hard swearing will not carry the day, they will soon cease to rely upon it to the same extent as at present; and a thorough determination to bring every flagrant case to punishment, will inspire a wholesome fear throughout the land; yet the final eradication of this vice of lying must be effected by education, not by any legislation; and it is to the two other causes of the unsatisfactory condition of the administration of justice that I now seek to confine attention.

The exposure which I made in 1852, of the quality of decisions in our Company's courts, satisfied the public mind at the time as to the unfitness of the Mofussil judges, as a body, to preside over the distribution of Justice.* It was this conviction which, probably, determined the ministry to create a court which should exercise a really strong supervision over all the subordinate courts in each Presidency. Hence, the project of amalgamation, by which it was sought to throw the skilled labour of Her Ma-

* The "Times," on the appearance of this brochure in England, said in a leading article, dated March 16, 1853, "While the destinies of 120,000,000 fellow creatures still hang in the balance, everything is important that can assist the British Legislature to decide the momentous question; we hail, therefore, with pleasure a most seasonable contribution from India itself, and that, not a got-up petition from mere natives, not the result of any 'ignorant impatience of taxation,' but an account of the Administration of Justice in Southern India. Mr. John Bruce Norton, Barrister-at-Law, discloses a state of things which England cannot allow to continue with any regard to her character and true interests, not to speak of the unfortunate, but considerable, fraction of the human race cast on her cruel mercies and precarious justice."—Ed.

jesty's Supreme Courts into the Courts of Sudder Adawlut. Hence, the desire to provide, at once, simple codes of Civil and Criminal Procedure, which should sweep away the accumulated heaps of rubbish to be found in the regulations and constructions of the various courts. From that day, however, to this, nothing has been done. The codes have been prepared in England; they contain some few most objectionable features, which makes me rejoice that they are not passed; but the Commissioners, who gave their gratuitous services, were much disgusted at finding their labours handed over to the Indian Legislative Council for further deliberation; and now the whole plan seems indefinitely shelved. The rebellion has shown the soundness of the fears expressed by the Calcutta petitioners of a change in the law which should submit their persons and property to *native* judges; while the reported decisions, published since my pamphlet on the administration of justice in Southern India, show that no improvement has been effected in the quality of the European Bench. Not that the judges of Madras are a whit more deficient than their judicial brethren in the other Presidencies. The "Friend of India" has, from time to time, dissected the Calcutta Sudder Reports as they were published, with much the same result as that which I arrived at with respect to Madras. I do not know how the matter stands at Bombay; but it will be a marvellous circumstance if the judges there are better than in other quarters of India. Like causes produce like effects, and the want of all forensic practice, the absence of any teaching in the principles of evidence and jurisprudence, the neglect of all special training, cannot but produce similar results without reference to locality. Not a single effort has been made by the East India Company to improve the quality of their European judges. No registerships have been restored, because they would cost money: no demarcation has been made between the revenue and judicial lines of service. A revenue collector may be now as then pitchforked at any moment on to the Bench, especially if he has incurred the displeasure of the Board of Revenue; and no provision has been made for the teaching or training of the young men who have lately entered the civil service. It was a consideration of these facts which made me, in the "Rebellion in India,"

question, though very cautiously, whether it might not be expedient to make a thorough reform at once, by placing educated professional men on the chief judgment seats in the Mofussil. My reviewer in the London "Athenæum" mistook the latter part of that volume, and thought it was not well considered. He says my panacea is the introduction of English law. I am not aware that I have anywhere said so; certainly nothing could be farther from my thoughts. I have, it is true, with great diffidence suggested that it may be a question whether it be not expedient to commit the judicial functions to trained professional hands. But I am no thick-and-thin advocate of the barrister class. So far back as 1852, in writing on the administration of justice in Southern India, I expressly stated that I did not advocate the introduction of English barristers to the Mofussil Bench. I then pointed out that the Civilians possessed many advantages, and that what was really required was, to give such of them as might be set aside for the judicial office a special training. It is only because nothing has been done from that time to this with a view to fit the Civilians for the Bench, that I have ventured to hint at the propriety of placing barristers on the Bench. My further experience of Mofussil courts teaches me that nothing can be more hopeless than their present condition. The absolute necessity which I think has now arisen of making the European amenable to the same tribunals in the provinces as the native, arising from the increased number of the classes whom the railways, the electric telegraph, and other measures of advancement have thrown into the interior, and the justice of their apprehensions of being compelled to submit to the Company's tribunals such as they are now, induce me to urge on any change which may remove those objections, and strengthen the administration of justice generally. At the same time I am well aware of the disadvantages attending such a proposition. The ignorance of the people and their language would be a fearful bar to the success of barrister judges in the interior. The success of the class in the Anglicized Supreme Courts of the Residencies, affords but little argument or criterion of similar success in the Mofussil. The risk of introducing technicalities would require guarding against; and I can

scarcely conceive a greater evil than that to the people of India. So much for English lawyers.*

To advocate the introduction of English *law* is a totally different matter; my meaning has been entirely misrepresented. It is not English law, but English *justice*, which is my panacea for India. I believe there are few persons who go the length I do for radical reform in the English law even as it obtains at the Presidency Supreme Courts. I advocate the entire abolition of forms of actions; the fusion of law and equity; the introduction of a uniform system of pleading for all *sides* of the court, Common law, Equity, and Ecclesiastical; the abolition of the master's office; the simplification of procedure; the lowering of costs; the abolition of the two distinct orders of pleaders; the institution of Courts of Conciliation similar to those in Sweden; the extension of the Small Cause Court jurisdiction; the compelling litigants to show each other as much of their game as possible before coming to a hearing, instead of, as now, striving to conceal their respective hands to the last moment. With such views as these, it is not very likely that I should propose to introduce English law into the Mofussil. I disagree almost entirely from Sir Erskine Perry's views,† and I can scarcely conceive anything more unfair to the people at large,

* I cannot, however, pass from this subject without noticing the constant allusions in the "Saturday Review" to "venal lawyers," who would deliver India over to "Chitty on pleadings." If those gentlemen will look at Mr. Lushington's evidence before the Lords' Committee, (21st April, 1853,) they will perhaps be surprised to find that technicalities are one of the main evils complained of in the Company's system. He states as follows:—

Q. 4413. "Will you state what are the principal defects to which you allude?

A. "The principal defect, and the one which has attracted my attention more than any other, is a palpable disposition on the part of the superior courts, the Company's courts, to encourage technicalities. It is of the utmost importance in a country like India that a simple manner of transacting business and obtaining judicial decisions should be observed. Instead of that, the great aim at present, on the part of many judges, is to follow the precedents of English law whenever they can learn them, and to force them upon the natives, who are particularly averse to them. I do not know any race of men in the world who have such a natural aversion to technicalities as the natives of India have; they would rather have a tolerable decision given by an almost arbitrary judge, a person who had no judicial qualifications whatever, than the decision of a deliberate court, if they have to arrive at it through all those forms and technicalities."

† See his evidence before the Lords' Committee.

than granting that portion of the Calcutta petition prayer which seeks to make English the language of the courts. Every court should conduct its proceedings in the vernacular of the district; nor would I permit a judge, whether barrister or civilian, to sit on the Bench unless he had a good colloquial familiarity with the spoken language of the lower orders. Indeed I think it very questionable whether a pleader in the Mofussil ought to be allowed to plead in English. I have done it myself, and can see what a disadvantage it places the opponent under. On this point see Mr. Marshman before the Lords' Committee, May 3, 1853.*

Indophilus says he proposed the introduction of English, as the official language of the courts, twenty years ago; and Mr. Mead, who of course upholds the views of the Calcutta

* Q. 5190. "What is your opinion of the use of the English language as the language of the courts in India?

A. "I do not think it is possible to introduce the English language into the Mofussil courts as the language of business. The Mahomedans introduced their own language which was then the Persian, and it kept possession of the country as the official language for 600 years. When the British Government took charge of the administration, in order to avoid anything like a violent change, the old language was continued in the courts, more especially as all the officers of the court were perfectly well acquainted with it; but, gradually, the natives began to complain that the language used in the administration of justice and in the Fiscal courts was a language entirely foreign to them. A general desire arose for the employment of their own language, and about the year 1835 (that is eighteen years ago,) the Government of India restored to the natives, after six centuries of disuse, their own language in the transaction of their own business, and, at present, Bengalee is universally employed throughout the courts in Bengal, and Hindostanee in the courts in the North-West provinces: this innovation has been exceedingly popular among the natives; perhaps it is a more popular measure than any that we have ever introduced in India; and I think that any attempt to abolish the use of the Bengalee language and to introduce English into the courts, would not only be exceedingly unpopular, but that it would create a degree of disaffection which the Government would be very sorry to encounter; at the same time it would unquestionably impair the administration of justice. At present the first inquiry that a native makes when a European comes to take his seat in the court, either as a civil or sessions judge, or as a magistrate, is, 'To what extent does he understand the vernacular tongue;' for they firmly believe that in proportion to his ignorance of the popular language will be his subserviency to some influential natives in the court. There is a natural tendency on the part of the native officers in the courts to use the Hindostanee language, with which they are all familiar, and with which every judge and every magistrate is also acquainted, because it is a kind of lingua franca, and the magistrates have sometimes been under the necessity of inflicting a fine upon every man who ventured to address them in Hindostanee, that is, in a language that was unknown to the great body of the people, though familiar to the native officer and the presiding judge."

petition, advocates the same proposition, though with a singular inconsistency he writes in another page—"What the dead languages are to our own countrymen, our own tongue is to the Indian; and how few of the former are familiar with them." Could any course be more unjust than to force the people to plead in a language, their familiarity with which is thus described?

The proposition must be very materially narrowed. It cannot be applicable to the lower classes of courts, such as those of Moonsiff's and Sudder Ameen's, before which, probably, not a suitor who knows English comes once a year,—where the pleaders and the judge are alike ignorant of any but their mother tongue. Applied to the higher courts, those presided over by Europeans, it is still abundantly clear that the *witnesses*, as a general rule, must depose in their own vernacular; and therefore, I presume, if the record of their testimony is to be in English, we must introduce translators,—an additional class of court servant; a necessary evil even in the Supreme Courts, but in the Mofussil, calculated to increase the necessity of bribery. There would also be a danger of the judge becoming gradually less and less familiar with the language of the country, as there was less and less necessity for him to keep up his knowledge of the tongue. And I can scarcely describe the importance in practice of a judge being able to check all the proceedings before him, by his knowledge of the language which is spoken in his court. Although the theory is that the Mofussil judges are thoroughly conversant with the vernacular of their respective districts, this is not the fact in practice. A judge who has served in the north, where Telegu prevails, is transferred to the south where Tamil alone is spoken, and the reverse. The instances of judges being thoroughly masters of the language of their courts, are the exception rather than the rule. The high-flown poetical language taught in college is scarcely of use in ordinary life, and not intelligible to the masses. I have myself seen a Civilian magistrate, who had obtained the reward of one thousand pagodas for proficiency, unable to read the heading of the depositions taken before him, when requested so to do in the Supreme Court. The cases in which a Civilian is able to read a petition in the vernacular are rare in the extreme; the universal practice is to have them read out by a native officer of the court. As an instance, an appeal

from the Tinnivelly Zillah Court was sent to me for advocacy in the Sudder Court.* In paragraph 9, the Decree, with reference to a Tamil document, says, "As the court does not know the Tamil language, the court inquired if the vakeels were willing to refer the matter to three Tamil scholars, and to abide by the opinion of the majority." The judge had been transferred from Bellary, where the Telegu language prevails. I have seen myself, over and over again, the immense advantage of the knowledge of the vernacular on the part of a judge; and my conviction is, that so far from making English the official language of the courts, our course lies in exactly the opposite direction, requiring, namely, that judge and pleader shall be familiar with the language ordinarily in vogue in the district in which their court is situate. Perhaps it is intended to limit the use of English to the mere record and pleadings. But here, we should still have to give translations of all proceedings, &c., to the suitors or their pleaders in the native languages; and this idea which is now abroad is precisely one of those dangerous innovations which the reformer will do well to resist. About the same time that Sir Charles Trevelyan (Indophilus) was proposing the introduction of the English language into the law courts, the Honorable Mr. Shore was expressing his ideas on the same subject. His objections are, I think, unanswerable. I would refer generally to the 19th and 30th chapters of his admirable and most truthful work. This is one of those matters on which legislation can either affect nothing, or affects a grievous oppression. Our course is to lay down such conditions as shall superinduce a tendency to make English the language of the courts, and then leave events to their natural course. Thus we should insist upon a knowledge of English being a *sine quâ non* with every vakeel at his examination; and the general spread of education will carry the English language far and wide. In the Sudder Court, circumstances themselves have, without any legislation or any order of court, brought about this very change. I remember the time when all the business of the court was carried on in the vernacular. Now, practically, English is the official language of the court. A vakeel may address the

* No. 10, of 1856.

court in the vernacular if he pleases, but natives as well as Europeans do now plead orally in English; indeed, a native pleader who did not know English would have no chance of obtaining business. All the pleadings are printed in English, after the fashion obtaining in the Privy Council. All important documents, depositions, &c., are translated, and when it was found generally convenient to both parties, the practice gradually adapted itself to the altered state of circumstances. Let us not wander away into classical usages, seeking to copy the practice of the Romans, or argue from what the French would have done had they been in our places. Let us not entangle ourselves in whimsical fancies of superseding the vernacular written character, by the introduction of our English letters; but let us abide by what, to plain sense, is obviously just towards the people, whose government we have assumed. Therefore, I say, let not English be the official language of the courts.

The real line of judicial reform lies in totally different directions. Let us sweep away the confused mass of regulation, and circular order, and construction law, and procedure, which has been accumulating for half a century, by the promulgation of simple codes of procedure; let us codify the criminal and civil law, so as to define rights and crimes substantively; let us do what we can, as quickly as we can, to instruct the future occupants of the Bench in the principles of jurisprudence and the law of evidence.* Let us raise the character of our pleaders by

* Lord Canning, I am aware, in his minute on the Police, expresses an opinion that the "patriarchal" system of justice is the best adapted for the condition of India. This is one of the catch-words of the civilians; it means that each man may be left to follow the dictates of his own "common sense;" that training is unnecessary for a judge; and that all forms are but so many trammels. A straw thrown up is enough to show which way the wind blows; and from the first, I regarded this passage in Lord Canning's minutes as a sign of his having fallen prostrate before the secretariat. For when it was written, Lord Canning had never been out of Calcutta; had never seen the working or entered the precincts of a Mofussil Court; he had before him the results of this "patriarchal" system in the shape of Sudder reports, Missionaries' petitions, Torture report; and yet without a moment's hesitation he pronounces an opinion of the most sweeping character, certainly not based upon the facts before him, but instilled into him by those whose interest it is to maintain the only system of administration of justice in which they could possibly find a place; one which requires no study, no knowledge, no judicial qualifications, nothing but "common sense;" and which admits of the easy transfer of one and the same individual backwards and forwards from the revenue to the judicial departments.

throwing open to honorable ambition even the highest judgment seats in the land. Without sweeping away the present civilian judges, let it be understood that the Bench is henceforth to be open to the successful practitioner whose moral character is equal to his ability. Let it not be confined, as heretofore, to an exclusive service, even though this reform goes to the very root of an exclusive service.* Let us sweep away the Mahommedan Law officer and the Hindu pundit; let us raise the respectability of the lower grades of the native Bench, by increasing the salaries of office.† Let our various Law professors publish their respective lectures at the earliest possible period, so as to place plain text-books on all subjects within the reach of the practitioner; let us make a separation, final and distinct, between the revenue and judicial lines of administration; let us compel the young civilian to attend the Law lectures and the Sessions while he remains in college;

* I see no utility in keeping up the distinction of covenanted and uncovenanted servants. The covenant is an antiquated form: it is "to obey all orders, to discharge all debts, and to treat the natives of India well!" I admit, at the same time, that all members of the Civil Service who enter by examination, are entitled to be found such employ as the old Covenanted Service offered to them. Beyond this, the distinction between covenanted and uncovenanted is an idle one, and only leads to heart-burnings and jealousy.

† Our treatment of our European and native civil servants has always appeared to me incomprehensible. We know that before Clive's reform of the civil service, it was as venal and corrupt as it could possibly be. Paul Benfield, who claimed to have lent the Nabob of the Carnatic some £300,000, though he was a young writer, who had been but a few years in the country, may stand as a type of the class. Indeed, it could not be otherwise; for pay was merely nominal, and each man came out with a tacitly conferred letter of mark to plunder as much and quickly as he could. When matters had reached such a pitch that they were unbearable, the proper remedy was at once applied. The salary of the European was fixed at so high a rate as put him above temptation; sundry taxes were monopolised for the special purpose of making a fund for the payment of the service; and their honesty was secured. The result has been admirable. As a general body, no men can stand more loftily above suspicion of corruption than the civil service. But if such an incentive to honesty was necessary with respect to the Englishman, the gentleman, the Christian; how can the native, without any of the moral checks of conscience which had to keep the European straight, be expected to rise superior to influences and temptations which proved too strong for the Englishman? If the one fell, it was quite certain that the other must. The remedy is precisely the same in both cases. We have tried the efficacy of sufficient salary upon the covenanted Englishman—indeed, run into the opposite extreme; it remains for us to repeat the experiment with respect to the covenanted native. Raise his condition, place him above temptation, give him as fair a chance as his civil superior; ere long his honesty will probably be as great.

let him gain a knowledge of the natives for two or three years in the revenue branch, which will make him *au fait* at the method of conducting public business and the mysteries of revenue, whatever they may be; let us re-institute the office of registrar, in which he may learn judicial duties, since he cannot practice at the bar. Let us seek, by fostering the jury system, to give the natives an insight into and an interest in the administration of justice, at the same time that we thus bring them nearer to ourselves by more frequent communication, and give them a feeling of just pride, which will tend to raise the natural character. Our Jury Act, Reg. XI. of 1832, is a dead letter. Lately, by Act, we have introduced assessors.* Let some scheme be sanctioned for the judges to admit candidates at the bar, without the necessity of their keeping terms in England, so as to give every fair equality to the native of India; and let us have a firm, trained control and supervision over every creek and corner of the judicial administration throughout the entire Presidency, by the amalgamation of the Supreme and Sudder Courts. This is one of those measures which may not be practicable for all India, since both in Calcutta and Bombay, I understand Her Majesty's judges are fully occupied; but it is an experiment which might easily be tried at Madras, where the Supreme Court has comparatively little to do, and the Small Cause Court, with proper men to work it, might well discharge all the original judicial business of Madras. That the law can be administered in a way satisfactory alike to the Englishman and the native, is established beyond all question by the estimation in which the Queen's Supreme Courts are universally held, notwithstanding they are still embarrassed by forms of procedure unsuited to the country; unsuited, in my opinion, for any country; and litigation, though not so costly in them as in the Mofussil, is still more expensive than it ought to be. The satisfaction which they have given arises solely from the feeling which they have inspired, that the time within which ordinary litigation may be concluded can be calculated on with a certainty; that they are not open to corrupt influences; that the inquiry is conducted according to rational rules of evidence, and that the decisions are based upon settled principles of law. Englishmen

* See Lushington's paper, appendix to 1st Lord's report for 1853.

have over and over again expressed their content with the existing courts. The merchant's practice, to enter into no contract which he cannot enforce in the Supreme Court, is of itself sufficient proof. The objection of Europeans to the Black Acts has never been based upon any supposed rights, or superiority, or privilege of race, but in the danger which would attend their subjection to the ignorance and corruption of the Company's courts. It is the fashion of the Company's defenders and apologists to decry the Supreme Courts in India. "The Madras Court," Lord Macaulay wrote, "has fulfilled its mission; that is to say, it had ruined and pauperized the entire body of inhabitants subject to its jurisdiction;" and it is thus that an anonymous scribe in the November number of "Blackwood" for 1857, has had the audacity to speak of those tribunals. The article is called "The Company's Raj." The passage is as follows:—"The royal prerogative was very early exerted under Parliamentary sanction in the establishment of a Supreme Court of judicature at each of the three Presidencies. We consider these courts to be decidedly the worst in the country: presided over by Queen's judges with enormous salaries, they have seldom secured even a decent amount of professional knowledge on the bench, while the bar is, of course, proportionally second-rate. Barristers of fame and promise at home, will seldom forego the career that opens in Westminster Hall and St. Stephen's. The crimson silk, silver sticks, and 'barbaric gold' of the Indian judge are the insignia of acknowledged mediocrity, not seldom of proved incapacity in English law. They always decorate ignorance of native usages, and even speech. Such courts are mere caricatures of Westminster Hall. Their absurdity was conclusively demonstrated when it was found necessary to exclude them from all jurisdiction over the members of Government and persons acting under their orders, for it is only as a check on the Company's Government, that a royal court should have a *locus standi* in the country. The indispensable denial of such powers should have taught the legislature the folly of erecting such a court; yet, like the currier in the fable, Sir Erskine Perry's main idea of Indian reform seems the unlimited importation of English lawyers."

With such an unblushing, impudent statement as this before the public, it may not be amiss to point to the character of

these courts as reported by those who live under their jurisdiction. It is superfluous to cite the petitions of the Europeans, which have emanated from Calcutta. Let us see what is the tenor of *native* opinion, what their testimony is as to these courts, which "*We* consider to be decidedly the worst in the country." It is thus that the Native Bombay Association, in their Petition to Parliament on the subject of the Indian Commissioners' Report, speak of the Supreme Court:—

"There are many other recommendations in the Commissioners' Reports which, though, in themselves, of very serious importance, and open to grave objection, your Petitioners do not propose to make the subject of comment at the present time, as they consider them to be of little moment when compared with the proposed abolition or supercession of the Supreme Court, which, if sanctioned by your Honourable House, will, your Petitioners apprehend, have the effect of withdrawing the only guarantee on which they can rely for the regular, systematic, and trustworthy administration of law and justice, under the protection of which they have hitherto lived, and to which they look with grateful confidence for the security of their persons and property.

"In this court, so justly respected by all classes, which is presided over by judges selected from the experienced members of the English bar—men who have been educated, as it were, in a legal and judicial atmosphere, and have imbibed not only the legal knowledge, but the tone and habit of thought which characterize the English lawyer, and constitute his fitness for the judicial office,—it is proposed to substitute a tribunal in which the majority, and, therefore the preponderating influence, being appointed by the Governor in Council, probably will, as they certainly may, be taken from amongst the Civil Servants of the Honourable Company. Your Petitioners would not speak otherwise than most respectfully of these gentlemen, of whom many are not only distinguished by high abilities and a zealous desire to promote the welfare of the people whose affairs they administer, but who also possess habits of business and a knowledge of India, to which barristers from England could lay no claim. But, great as these advantages are, and ready as your Petitioners are to appreciate them in their proper sphere, they cannot admit that they constitute the necessary qualifications for the judicial office. Even

supposing that an improved system of training and appointment should be introduced, and the Civil Servants of the Company no longer be transferred from political and fiscal employments to the highest judicial appointments, of which so many instances have been seen, still the objections to the appointment of Civilians to the Bench of the Highest Court are not removed, hardly lessened. These gentlemen have not that one advantage, for which no other can be substituted, an education in the legal axioms and methods, in the habits of thinking and reasoning, which prevail in and about the Superior Courts of England, and of which your Petitioners see the excellence of every judge who takes his seat on the Bench of the Supreme Court, whose demeanour and decisions command respect, notwithstanding his ignorance of the habits and language of the people; while the judgments of even the most experienced and intelligent servants of the Company fail to carry the weight which should attach to the decisions of the higher Courts of Justice."

The Madras Native Association, in its sixth Petition to Parliament, states as follows:—

"Your Petitioners are able to appreciate the value of an independent Supreme Court, from having long lived under its jurisdiction, and they are not prepared even to risk the diminution of the benefits it confers. They have for years, and latterly more especially, remarked the judicious reforms that have been effected in it; whereby proceedings have been simplified, costs lightened, and litigation rendered far more speedy; and those who are compelled to have recourse to law can calculate upon obtaining a decision within the space of a few months, as well as that the quality of the judgment when delivered will ensure satisfaction; because it is arrived at upon investigations conducted according to the settled rules of evidence, based upon well understood principles of jurisprudence. Your Petitioners are desirous of seeing the principles of such an administration of justice more and more widely extended, until it embraces all their countrymen in the provinces as well as at the Presidency; and allowing that the Queen's Court, as now existing, is susceptible of further reforms, which might easily be effected, they would far rather await the correction of its defects at a future period, than run the risk of

an experiment likely to let in upon them the weak and wavering administration of justice, which has hitherto characterized, and must for a long time characterize, the judicial office in the Mofussil. They have seen the power of the Supreme Court sought to be circumscribed by act after act of the India Government, and they naturally watch with jealousy whatever they deem to have a tendency to diminish its usefulness. They are aware what little good-will the Civil Service bears towards the trained professors of the Law, who have ever been ready to oppose and to expose the assumptions of irresponsible power, and the shortcomings of uneducated labour; and your Petitioners would respectfully but firmly raise their voice to warn and protest against a course which may, and as they believe would, throw the whole power of the Bench in the highest court of the land into the hands of the East India Company and its servants; and their timidity is startled at the apprehension of beholding the proposed experiment result in depriving them of the only court in which they have confidence, in lieu of producing the benefits anticipated from it—benefits which proper measures would infallibly secure, leaving no chance of so unfortunate a consummation."

The Calcutta Petitioners describe the Company's courts as follows:—

"Your Petitioners consider it to be a fact long established, notorious and admitted by all (by all, at least, whose opinions merit attention) without reserve, that the training for office of the judges of the courts established by the East India Company is essentially defective.

"They, and the class from which they are taken (scarcely selected) are assumed by their masters, and by the advocates of the present system, to have special qualifications, viz., knowledge of the vernacular languages, and familiarity with the usages and habits and thought of the people. This, however, when applied to the whole body, or to any material portion of it, is but an assumption.

"As a rule, neither of those special (and undoubtedly valuable) qualifications exist in a competent or tolerable degree, much less to an extent to afford any apology for the absence of other most important and vital qualifications for the responsibilities of the

judicial office. Were those boasted and assumed qualities possessed in the best and highest degree, they could (your Petitioners submit,) but fit their possessors to decide, as jurymen, upon questions of fact, and certainly could not qualify them to make a right application of legal principles to those facts,—in fine, to adjudicate rightly and according to any rational system of law.

"In the system of judicature established by the East India Company, an extensive discretion has been, from the first, vested in the judges, with regard to rules of decision upon contracts and rights, somewhat analogous to that originally possessed by the English Courts of Equity; but, unlike the latter class of courts, the East India Company's courts cannot, even at this day, boast of any judicial body or system of law whatever. This is the natural and necessary consequence of the entire absence of judicial training already referred to.

"The experience and knowledge of this state of things (which your Petitioners deem it sufficient to indicate or recite, as it is notorious) has made all but the official classes here, and a large number even of those classes, most anxious to witness some step towards a radical reform of the Indian Bench; considering this to be the first great exigency in a general reform of the law and of the courts."

They thus speak of the Supreme Court:—

"Not that your Petitioners desire, or would be content to see, the large protective powers of Her Majesty's Court curtailed, whenever that Court may be a branch of or merged in the 'High Court.'

"Your Petitioners deeply feel (and have often, in representations to the local government and legislature, so expressed themselves) the necessity that exists—a necessity, perhaps, more obvious here than elsewhere throughout the British dominions—for some high and paramount safeguard of personal liberty, some all-powerful judicial shield and refuge from the tyranny of ignorance, of inexperience, of unwise zeal, in office.

"Still less would your Petitioners be satisfied, that the useful independence of the Royal judges be really interfered with or be substantially less than it now is."

These extracts may serve to put to shame the spreaders of the

unfounded calumnies against the Supreme Courts in India—calumnies which nothing but a complete assurance of the impunity arising from England's ignorance of India, could induce their authors so assiduously to bring forward. When we are considering the topic of amalgamation, it becomes important to ascertain the true character of Her Majesty's Supreme Courts; because it would be vain to look for reforms from their junction with the Sudder, if they are in reality the ignorant, ruinous tribunals, alleged by the defenders of the Company. Neither would it be safe to introduce the principles on which these courts have acted into the Mofussil, unless they possess the confidence, and excite the esteem of the natives.

With really strong courts at head-quarters and in the Mofussil, we might reasonably hope to check the corruption of the subordinates, with which the present Bench is quite unable to cope.

The fact is, that corruption is running through the land like a festering sore. It is utterly impossible to give any description of the actual state of affairs. I believe that, as a general rule, not a single step is taken in any civil suit or criminal trial (where the parties are not paupers,) in which bribery or extortion is not practised. I do not mean that the European judges take bribes, but every officer about the courts is open to pecuniary influence, and every native is imbued fully with the idea that decisions are to be obtained by money. Of course it depends in some degree on the personal character of the judge, whether this corruption shall prevail to a greater or less extent in his particular court. If he is a strong-minded, independent man, who can and will rely on himself, there is far less opportunity for these iniquitous practices. But if he happen to love his ease, or to be a weak man, or to have confidence in the integrity of those about him, then corruption runs riot.* In one court which I could name,

* Here is an instance—

BANGALORE, APRIL 9th.—We hear that the trial of Tilliah Pillay, the Calendar writer, interpreter, &c., &c., of the Cantonment Police, has been closed; and that the judges of the Hoozoor Adalut Courts have sent up the proceedings to the Judicial Commissioner for sentence. The trial was instituted on the complaint of one C. Narrainsawmy Chetty, styling himself "Secretary of the Hindoo *Sabah* or Society."

it is well known that every decree is purchasable. This arises from the judge being more fond of his beer than his Bench, and trusting everything to his head official;—an East Indian, a civilian in this judge's own district, assured me that the common report which I had heard, both in Madras and in the district, was perfectly correct. I have, in the course of my own practice, *seen* such acts by court servants, as convinced me they were bribed, some by my own client, some by his adversary.*

The charges against Tilliah Pillay were as follow:—1st—For receiving bribes, in entering cases in the civil and criminal Calendars. 2nd—For receiving bribes, and transposing the names of prisoners as prosecutors, and those of prosecutors as prisoners. 3rd—For being instrumental in keeping in the criminal jail (without conviction or sentence) for eight years, one Berkee Moonesawmy, his wife and son-in-law; and 4th—For pasting pieces of paper in the criminal Calendar on sentences passed by the sitting magistrate, and including such cases in the balance of "Cases remaining to be disposed of."

Tilliah Pillay has been found guilty of the three first charges. While the third charge on which Tilliah Pillay has been found guilty is held to implicate him personally, it reflects the greatest discredit and almost criminal negligence (not to use harsher expressions) on those above him. But it is not so much the individuals (overburdened with work impossible for any man to get through,) as the defective system in which things are done, that merit public censure.

For what can be said of a system, which has allowed gross corruption and oppression to continue for a series of years, without a check of any kind? Who can recount the wrongs that hundreds and thousands must have been made to suffer? Still with the above exposures before us, the system in force admits of Mahomed Saliah the Second Cutwall, Saib Ally the Pygusty Admeen, and others, remaining not only at large, but also in the execution of their important duties,—duties which affect the lives and liberties of thousands of subjects under British protection.—*Herald.*

* Dr. Duff (House of Lords' Report, 19th April, 1853,) says, on this subject, as follows:—

Q. 4221. Lord Broughton. "You have spoken of the corruption of the vakeels; they are but agents of the parties, they do not decide anything; how, therefore, can they be corrupt?

A. "It is not very easy to understand the matter in this country, but it is the simple fact, that scarcely a single case that goes to a court in India goes there without bribery, and without perjury, on all sides; I mean literally what these words denote. It is the case, as far as I could ever learn, everywhere in the interior. Now the vakeels of the old school, to whom I more especially referred to, have endless ways of promoting litigiousness, of perverting and corrupting those around them, and of distorting the truth by collusion and otherwise, in their various pleadings; it must be owned at the same time, that they are aided in this exceedingly by the comparative ignorance of the vernacular language on the part of the presiding judge; this source of the mal-administration of justice would be greatly rectified, by the presiding judge 'being an adept in the native language;' in Bengal, with a view to this desirable

Hyder Jung Bahadoor, examined before the Lords' Committee, 26th April, 1853, gives an instance of his own payment of a bribe, and states the native belief to be universal in the efficacy of bribes. I could give a hundred instances myself, if what I have heard may be believed. Mr. Fischer has lately informed me of a case between two zemindars, in which he was engaged professionally. The Sheristadar for some time hawked about a decree for whichever party would pay 500 rupees; neither consenting, to spite both, he procured a decree in favour of Government! A man has just filed his schedule in the Madras Insolvent Court, in which he enters deliberately the sums paid, or said to be paid, to the officers of the Sudder Court, in a case in which he was concerned as defendant. In a late case in Rajahmundry, the judge seized a prisoner's papers: in the accounts was an entry of an item of 10,000 rupees, sent down to Madras to bribe the Sudder judges! When I was, some years back, in Rajahmundry, on an important criminal trial, in which several prisoners were concerned, one of the

end, some effective measures have, within the last few years, been adopted; and the full maturing of these would be part of the prospective improvement I contemplate."

And again (Dr. Duff, House of Lords' Report, 19th April, 1853):—

Q. 4218. "You think it would not be desirable to take vakeels and at once make them judges?

A. "From all I have seen of them, I should say they are the last class who ought to be appointed judges; they are mixed up with all the endless and intolerable, and I may say indescribable, corruptions which have brought such obloquy on our courts of justice. It would never be possible for any British gentleman who has not been in India, and mixed with the people, to know anything of the real nature and extent of those corruptions, they are so endless and so complicated."

Mr. Moore's evidence (House of Commons' Report, 6th June, 1853,) is to the same effect:—

Q. 5897. "You have spoken of the natives being in the habit of remitting large sums of money to their agents, when engaged in litigation; have you ever heard what has become of those sums of money so remitted?

A. "I cannot say what has become of them; it would be a very difficult thing to say that; I can only speak to the fact of their being remitted by the natives to their agents. Another thing is, that the native law officers of the courts are very badly paid; they live in a much greater style than their salaries can possibly cover. Few or none of them have any other means than what they receive from the State."

Q. 5898. "Does the habit still continue to the present day amongst native suitors, of remitting large sums of money to their agents, thinking it will advance their cause?

A. "It does."

court officers said to me—What, Sir, is the use of going on? The Mufti is paid for his futwah. He is to have 1,500 rupees if he acquits all, 1,200 if he acquits three, &c. In a case which I have just finished at Cuddapah, the Mufti was stated to have been bribed on both sides, but highest by my client. The sum stated was 2,500 rupees. The charge was one of murder. The official of Rajahmundry assured me, with perfect good faith, that the Mufti was a very good man, for he *only* took bribes in large cases! I have myself been offered a bribe of 50,000 rupees for an opinion, while I was Government pleader. I believe every Mufti in the land, or nearly so, is corrupt. A client of mine from Cuddalore, told me his suit had already cost, before appeal to the Sudder, 20,000 rupees. I told him it was impossible. The amount in dispute was only 18,000 rupees. With a charming naiveté, he replied that it included "bribes and all." I was counsel in the Supreme Court, in a case in which an ex-reverend gentleman was convicted of having obtained 3000 rupees from two poor women, under pretence of influencing one of the Sudder judges. I could string such anecdotes together by the dozen. But this, coupled with a reminiscence of the "Dacca News" editor's testimony, must suffice. And yet people will insist upon it, that litigation is cheaper in the Mofussil than in the Supreme Courts. The legalized fees are no doubt smaller in cases of small value; but as nothing of this sort goes on, or is fancied to go on, in the Supreme Courts, I have no question at all but that the costs of an ordinary suit in the Supreme Court, are not a tenth-part of those of a suit in the Mofussil. Yet with this state of things, I may say, universally known, we go on day by day, and from year to year, without change.

The evils in the judicial system with which we have to cope are the ignorance of the European judges, the ignorance *plus* the venality of the native judges, the corruption of subordinate officials, the false testimony of the witnesses, the want of simple codes of procedure and a clearly defined substantive law. The remedies I have already pointed out. Those conditions once provided, we should go far towards purifying, simplifying, and cheapening the administration of justice. Litigation would not be the dilatory uncertain affair it is at present. Far less opportunities

would be offered for bribery and extortions, and men would be afraid to take advantage of such opportunities as remained. The character of evidence can only be raised with the character of the people, and education must be the main instrument for that task. But unquestionably there would be infinitely less perjury and forgery practised, if the courts were stronger and quicker in their work. Simple codes of procedure are already prepared; the task of providing a substantive law, though *opus heroicum*, is neither impossible, nor such as men cannot be found to undertake.

There are some other reforms which I shall barely glance at, vast as their influence would be upon the general administration of justice. I can only indicate the measures, their details I have no time to consider. In the first place, I should like to see the present Moonsiff's Courts converted into County Courts. At present, the most trumpery suit above a few rupees value, is encumbered with lengthy pleadings and a tedious procedure. The Moonsiffs, I think, may safely be trusted with summary powers. The pleadings should be oral; the Moonsiff's note of the evidence conclusive. The parties should attend upon summons with their witnesses, in common with whom they should be submitted to examination. The Stamp law, which is a grievous tax upon justice, the worst tax in the world, as Bentham has proved it, should be rescinded. The European judges should be invested with a summary power of punishing perjury, whenever they were satisfied that it had been committed before them. The present law is almost a dead letter, and seldom acted upon, in consequence of the difficulties in the way of a conviction. Indeed it is not unusual, where the grossest perjury has been committed, for the judges to treat it as "prevarication," which they have power summarily to punish.

It is the fashion just now to praise what is called the "patriarchal" system of administration. Lord Canning has officially declared his opinion, that this is the best adapted to the condition and feelings of the natives; it is one of the well-known watch-words of the civilians, and the "Friend of India," that most mischievous of journals, so far as it directs public opinion in England, has begun to cry out for the application of this system in the North-West provinces. Let it not be forgotten, that

scarcely four years have passed away since the system of administration obtaining in the North-West, was lauded to the skies by the Directors and all their satellites, as the very perfection of Government. The whole of the evidence given before the Parliamentary Committee, points to Agra as the garden of the East. Mr. Campbell and other writers plume themselves and the service on the results of their doings in that quarter, whatever may be said of civil administration in Madras or elsewhere. And yet it is confessed now, because stubborn facts will take no denial, that this so much vaunted system has actually broken down at the first touch and shock of civil discord. This reminiscence and this fact should surely warn us how we put faith in any system, simply because the civilians and a superficial dogmatic doctrinaire journalist insist upon its excellence. Taught by experience, let us take nothing more upon trust, but examine for ourselves the grounds which exist for presuming the probability of failure or success of any system, upon its own intrinsic merits or defects.

First of all, then, let us obtain a clear definite idea of what the "patriarchal" system really is. The name creates and calls up visions of some golden age, or rather it refers us to Bible history, and we see the venerable chief of a paternal despotism managing all the affairs of his tribe—fiscal, magisterial, and judicial. He is at once lawgiver, judge, and receiver of the people's dues. He is looked up to by all with veneration and affection. His decisions meet with a ready, cheerful obedience. Charming picture of simplicity in truth. But the principal features somewhat change, when the patriarch is a beardless boy taken from the junior ranks of regimental officers,—some fortunate Indian Dowb with a coronetted letter of introduction in his pocket, or budding civilian who has a vested right to employ; when the people are a newly "annexed" State, sulking and chafing with ill-concealed dislike of their new rulers; and when the youth placed over them has no fixed principles, no practical experience, nothing but his "common sense," to use a slang civilian phrase, to guide him; when newly acquired power tempts to arrogance, and ere age has mellowed down the infirmities of temper. *Silent leges inter arma*, says the great Roman orator; and the only excuse for the temporary introduction of the "patriarchal" system,

after a country has been newly conquered, is, that it is a less evil than the continuance of martial law. Immediately after conquest, the laws may be forgiven if they speak with a sound at once harsh and uncertain; for the sharp, short, peremptory decision is then useless; but as soon as circumstances permit, this make-shift should stand aside, and make way for a more scientific and deliberate system of jurisprudence. Advancing civilization will indeed compel this in its own good time; to introduce the "patriarchal" system into the rich provinces of Bengal, is one of the demands of the policy of retrogression. Nothing can be more mistaken than the assertion that the "patriarchal" system is what the people like and hold by. The same was said formerly of the punchayet or arbitration system. But Mr. Fullerton, the contemporary of Munro, and the sounder and abler man of the two, long since disposed of that fallacy. In his famous minute of the 1st of January, 1816, he shows that the punchayet was to be tolerated only because no other distribution of justice could be said to have existed. "If a man had no punchayet to settle his cause, he obtained no settlement at all." But he asks—Shall this state of confusion continue? And we may well repeat the question.

No fallacy can be more baneful than that which lurks under "simplicity." Analyzed, it will be found to mean that the judgment seat is to be guided by no rules, instructed in no principles; it may be ignorant, arbitrary, capricious, self-contradictory, positively unjust. And all these qualities are to be permitted to be rampant, because we will not set about obtaining a class of educated judges—*propter simplicitatem laïcorum;* and because we leave to each man full power to indulge his own fanciful notions of "equity and good conscience." Thus justice, as Lord Chancellor Ellesmere said, becomes the measure of each judge's foot; judges too, be it remembered, in this instance, not like the judges of England, men trained in the nurture of the law, but raw inexperienced amateurs, thrown upon their own resources, without a rule to guide or a light to illumine them. Truly saith the law maxim, "*optimus est judex qui minimum relinquit sibi;*" and I would add, that that is the best judicial system which leaves to the judge as little as possible, beyond declaring what the law is.

Lastly: with reference to the Police.

It can scarcely be necessary to bring forward proofs of the character of this body, which may be described, summarily, as the bane of the country. But as I wish this to be, as far as possible, a self-contained book, I will quote a few pictures of it, drawn by different hands. The Bengal Missionaries' Petition presented to Parliament, will be in the memory of all.

Mr. Halliday, on the 3rd of April, 1856, writes as follows:—

"For a long series of years complaints have been handed down from administration to administration, regarding the badness of the Mofussil police under the Government of Bengal, and as yet very little has been done to improve it. Such efforts as have occasionally been made for this purpose, have been usually insufficient to meet the greatness of the evil; partial remedies have failed to produce any extensive benefit, and during long intervals the Government has appeared to fold its hands in despair, and to attempt nothing new, because the last tried inadequate measure had ended in inevitable disappointment.

"No complaint is more common among magistrates and police officers of every grade, than that of the disinclination of the people to assist in the apprehension and conviction of criminals. From one end of Bengal to the other, the earnest desire and aim of those who have suffered from thieves or dacoits, is to keep the matter secret from the police, or, failing that, so to manage as to make the trial a nullity before the courts. Something of this is due, perhaps, to the natural apathy of the people; though it cannot fail to be observed, on the other hand, that where they have any object to gain, the same people show no apathy nor unreadiness, but remarkable energy and perseverance, in civil and criminal prosecutions. More, no doubt, is due to the corruption and extortion of the police, which causes it to be popularly said, that dacoity is bad enough, but the subsequent police inquiry very much worse. But after allowing for both these causes, no one conversant with the people can have failed to remark, how much of their strong unwillingness to prosecute is owing to the deep sense which pervades the public mind of the utter uncertainty of the proceedings of our courts, and the exceeding chances of escape which our system allows to criminals; often have I heard natives express, on this point, their

inability to understand the principles on which the courts are so constituted, or so conducted, as to make it appear in their eyes as if the object were rather to favour the acquittal, than to ensure the conviction and punishment of offenders; and often have I been assured by them that their anxious desire to avoid appearing as prosecutors arose, in a great measure, from their belief that prosecution was very likely to end in acquittal, even, as they imagined, in the teeth of the best evidence; while the acquittal of a revengeful and unscrupulous ruffian was known, by experience, to have repeatedly ended in the most unhappy consequences to his ill-advised and imprudent prosecutor.

"That a very small proportion of heinous offenders are ever brought to trial, is a matter of notoriety. It now appears that half of those brought to trial are sure to be acquitted. Is it to be expected, then, that the people should have confidence in our system, or that they should show any desire to assist the police, knowing, as they do from experience, the miserable results to be obtained?

"I must say that this appears to me the weakest point of our whole system, and that which most loudly calls for an effectual remedy. No doubt the badness of the police, and the inefficiency of the tribunals, act and re-act on each other, and both are concerned in bringing about the deplorable existing consequences. But until the tribunals are reformed, I can see no use in reforming the police; and I think it will be money thrown away to attempt the latter, unless we are determined vigorously to insist on the former. We have been hitherto debating about both for many years without much practical effect, and in the mean time, to take only one crime, and only the seven districts round about Government House, we have seen dacoities increase from 82 in 1841, to 524 in 1851. It is true that under a special agency, this has since been reduced to 111 in 1855, but the operations of this agency have shown more than anything else, the utter inability of our ordinary institutions to cope with the enormous social evil that is ever rising up in defiance before it."

On this, the missionaries again thus addressed the Government on the 2nd September, 1856:—

"That your Memorialists have perused with the deepest inte-

rest, a minute by your Honour, on the Police and Criminal Justice in Bengal, in which the existing system is most faithfully and powerfully described. Your Memorialists have noticed particularly the following statements: 'that for a long series of years, complaints have been handed down from administration to administration, regarding the badness of the Mofussil police under the Government of Bengal, and as yet, very little has been done to improve it;' that, 'throughout the length and breadth of the country, the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money;' that 'it is a lamentable but unquestionable fact, that the rural police, its position, character, and stability as a public institution, has, in the Lower Provinces, deteriorated during the last twenty years;' that 'criminal judicatories certainly do not command the confidence of the people;' that 'whether right or wrong, the general native opinion is certainly that the administration of criminal justice is little better than a lottery, in which, however, the best chances are with the criminal, and this is also very much the opinion of the European Mofussil community;' that 'a very small proportion of heinous offenders are ever brought to trial;' that 'it now appears that half of those brought to trial are sure to be acquited,' and that 'peculiar and accidental circumstances, partly temporary, and partly arising out of the constitution of the Civil Service, have, at this moment, made the inexperienced condition of the magistracy more observable than it has ever been before, while it seems certain that the evil during several successive years is likely very seriously to increase;' and your Memorialists attach great weight to these remarkable and important declarations."

Mr. J. P. Grant, on the 22nd October, 1856, remarks on this document in these terms:—

"The Memorial of the missionaries, transcribing and adopting a previous petition to Parliament, mentions the following as evils existing in Bengal, 'which it falls properly within the scope of Government to meet and control,' and which they say 'appear to be on the increase.'

"(1.) Insecurity of life and property in many districts.

"(2.) Numerous gang robberies perpetrated annually with impunity.

"(3.) Constant scenes of violence, in contentions respecting disputed boundaries, between the owners of landed estates.

"The Memorialists maintain that the radical cause of these evils is the inefficiency of the police and of the judicial system; that a well-organized police, with a more extensive and more effective judicial system, (besides giving the required security to life and property), would do much to check the outrages that arise out of disputes about land; and, moreover, that in order to a cure of this last evil, the cause which leads to disputes about land, namely, the insecurity of title and possession, must be removed by, first, the complete survey of the land; secondly, a system of registration; and, thirdly, 'laws to alleviate the infinite mischief of the universal system of secret trusts.'

"Upon this important head I beg to record my complete concurrence with the Memorialists, both as to the existence and extent of the evils, and the nature of the remedies."

On the 13th March, 1857, the Court of Directors write as follows:—

"That the police in India has lamentably failed in accomplishing the ends for which it was established, is a notorious fact; that it is all but useless for the prevention, and sadly inefficient for the detection of crime, is generally admitted. Unable to check crime, it is, with rare exceptions, unscrupulous as to its wielding the authority with which it is armed for the functions which it fails to fulfil, and has a very general character for corruption and oppression. There is, moreover, a want of general organization; the force attached to each division is too much localised and isolated; and the notion of combination between any separate parts of it, with the view of accomplishing the great objects of a body of police, is seldom entertained."

The police in Madras is fully exposed in the Torture Report. Let us only look at Mr. Saafelt's description of them:—

"I can safely affirm that the practice still exists with all its horrors in the Police Establishment, which has become the bane and pest of society, the terror of the community, and the origin of half the misery and discontent that exists among the subjects of Government. Corruption and bribery reign paramount throughout the whole establishment; violent torture and cruelty are their chief instruments for detecting crime, implicating innocence, or extort-

ing money. Robberies are daily or nightly committed (and not unfrequently with their connivance); certain suspicious characters are taken up and conveyed to some secluded spot far out of the reach of witnesses, where every species of cruelty is exercised upon them; if guilty, the crime is invariably confessed, and stolen property discovered; but a tempting bribe soon releases them from custody; should they persist in avowing their innocence, relief from suffering is promised by criminating some wealthy individual, and in the agony of despair he is pointed to as the receiver of stolen goods. In his turn, he is compelled to part with his hard-earned coin to avert the impending danger. Even the party robbed does not escape the clutching grasp of the heartless peon and duffadar; he is threatened with being torn from his home, dragged to the cutcherry, and detained there for days or weeks to the actual detriment of his trade or livelihood, unless he point out the supposed thieves; the dread of, or aversion to, the cutcherry is so great, that the owner would sooner disavow the stolen article, and disclaim all knowledge of the property, though his name be found written upon it in broad characters."*

* Dr. Duff gives the following highly important testimony (see House of Lords' Report) :—

Q. 4224. "Then, further, the police system has operated injuriously on the native character. The chief man connected with the native police is called a darogah, the head of the district station; heretofore, he has, generally speaking, been a man of low birth and low caste, and therefore despised by the natives; his salary, though lately somewhat improved, was so low—25 rupees a month—that it often did not pay his travelling expenses; every one saw that he must make it up somehow or other; he not only did so, but very soon realised a fortune.

"Endless mischiefs, however, were thus inflicted upon the mass of the people; and such innumerable temptations held out to lie and to conceal, that it would take a long time indeed to enable one, even though favourably circumstanced, to come to anything like the bottom of the evil.

Q. 4225. "Could not a native judge detect such evils better than a European?

A. "Yes; and that is one of the great advantages of having a qualified native judge. Still further to illustrate what I have already said, suppose a burglary takes place, and the magistrate hears of it, then an order is sent to the darogah, and he is despatched to investigate it. So great was the mischief that usually ensued from the visitation of that functionary, that Lord William Bentinck, as his only remedy, passed a law declaring that the individuals in whose house there might be a theft or burglary, if unaccompanied by violence, were not under the legal obligation of reporting or revealing to anybody what had taken place. This was an actual ordinance of Lord William Bentinck; what was the reason of that law? If a householder or villager reported that a burglary or theft had taken place in his house or village, the darogah must be

Yet, notwithstanding the revelations of the Torture Report, and the minutes and despatches of the Madras Government and the

sent down to investigate it; and Lord William Bentinck came to learn that the exactions and oppressions of the darogah were so intolerable that it was far better to submit even to theft and burglary than to submit to so tremendous a visitation. This is a fact which should be generally known as illustrative of the extraordinary state of native society in Bengal. The darogah's proceeding was ordinarily of this kind, though of course it varied indefinitely: he would go down to the village and cast about with a keen, covetous eye; his object was not in the first place to find out the real culprit, but to look about and discover the man who had got the most substance; he would go to him and say, 'You are connected with this outrage; at least if you are not the perpetrator, you know of it, and I will have you bound down and compelled to go up to the court as a witness.' The man shrinks from this; he cannot endure the thought of having to go up, perhaps a distance of fifty or sixty miles, or more, as a witness, to be detained possibly for weeks, his family being left behind in what a Hindoo considers as a most destitute state, and subject, it may be, to endless dishonours; he shrinks, and begins to compound with the unscrupulous officer of justice to let him off; and according to his means he will give 10 or 20, or more, rupees to get liberated. The darogah will, perhaps, go all round the whole village in this way, levying his lawless contributions as he goes along. That this is one of the most ordinary methods of proceeding on the part of the darogah, every one in Bengal well knows. Another cause would be, in his ignorance of the guilty party, to go and fix upon an individual, and say, 'You are the guilty party;' and if the accused party fail to satisfy him in the way of bribes, he would next get individuals to come and give evidence against him sufficient to enable him to send him up to the Tannah. There was also a system which prevailed to a great degree within Bengal, which probably has nowhere else existed in the world to a like extent—I mean the system of forced confessions extorted from persons who are innocent: this is also as notorious in Bengal as any practices connected with our court here in Westminster can be. Perhaps by threats or by bribes the darogah will lead a man to confess, as he wants to have a man charged with guilt. The magistrate having told him that he must bring up the criminal, or by such a day he will lose his office, in order that he may not suffer in this way, he must strive, by fair means or foul, to get the charge fastened on some one. Perhaps he coaxes and bribes some poor creature into compliance with his wishes; he tells him, if you confess, you will get such a reward, and escape such or such consequences.

"That there are such cases as these, is notorious. Here is an actual occurrence of this description: a case of a murder had been reported; the darogah proceeded to seek the criminal, and, from some cause or other, failed; the magistrate dismissed him from office, and sent down another man, the mohurrer, or registrar of the court, with the promise of promotion if he succeeded; at first, he failed too; but, at last, he offered a reward in money to any man who would come forward and confess; in this instance, two persons came forward and made confession. The officer then got up a tangled mass of circumstantial evidence, weaving a web of apparent guiltiness round the men. Perhaps some persons would say, on such a night the men were not home. The native chokedar might come and testify that he found them returning in the morning suspiciously, and so forth; in short, a system of entire fabrication was speedily and ingeniously carried out. The case actually went this length, that the men, being

Court of Directors upon it, at the time I write not a thing has been done in the way of remedy. I affirm that the 'traditionary

brought up before the magistrate, he convicted them or sent on to the Sessions Judge, who, in his turn, handed them over to the Nizamut Adawlut, which condemned them, and pronounced sentence of death upon them. In this instance which has been recorded, where the two persons were thus brought up and convicted, and condemned to die for murder, it turned out afterwards that it was discovered that on the day or night when the murder was said to have been perpetrated, they were both in the civil gaol on account of another offence, so that of course they were liberated. Cases of somewhat similar kind are notorious in Bengal."

Q. 4226. Lord Elphinstone: "Would they have been hanged?

A. "Unless the discovery had been made to prevent it, they would have been."

Q. 4227. "What bribe can induce people to confess under such circumstances?

A. "The mass of the people being unhappily ignorant and cowardly in a high degree, the darogah no doubt would promise his deluded victims that they would be forgiven if they threw themselves upon the mercy of the court. It is not a few questions, however, or a few short answers, which would bring out this iniquitous system in its integrity or varied ramifications."

Q. 4228. Chairman: "Surely, a system could not have been very general whereby natives were induced by bribes to put themselves in a predicament in which they might be put to death?

A. "That was an extreme case, which was now adduced merely for the purpose of illustration, involving liability to capital punishment; but the number of instances of a minor kind are very large indeed—I am almost afraid from memory to state the amount; but I have seen it marked down on respectable authority, that cases, which involved hired or extorted confessions, nearly equalled, or even exceeded, the half of those that were brought before the magistrates."

Q. 4229. "You mean, that the darogah derives such emoluments from corresponding cases, that he has funds at his disposal to bribe parties in others?

A. "His object in the particular cases referred to would be to save his own office; his office to him being money, or the high road to speedy fortune."

And Mr. Hawkin's testimony is to the following effect (House of Lords' Report. Q. 4370):—

"Attempts have been made to improve the village police; but I believe the evil lies much deeper than any attempts which have hitherto been made to improve it could possibly reach. The chokedar, who is the watchman, is a man who is taken from the lowest grades of society; he is a man who is perhaps the worst paid of any public functionary; he has very little to live upon, and, at the same time, he has great temptations presented to him by his being permitted to patrol the village at all hours of the night; he knows, on the one hand, that the police darogah would rather not have a great many things that happen reported to him, because he fears that if all were reported, the magistrate might consider his a badly ordered division. At the same time, the chokedar feels that the native community would much rather have the presence of the thief than the presence of the police in many instances; and, under those circumstances, with the community on the one hand in this condition, with the knowledge that the police officer is not very willing to receive information on the other, there are temptations held out to him; and the police watchman is just as bad, as much of a thief, perhaps, as any member of the community."

policy' of delaying to a future day whatever can be staved off for a season, has prevailed to prevent the re-organization of the police.

It is ever well to prove assertions as we go along, and with this view, I propose to bring together a few specimens of the delay which occurs between the conception of a measure and its completion under the present system of India Government. To any one moderately acquainted with the history of the East India Company, this must seem a work of supererogation on my part; but still there are many who have not paid attention to this subject. Mr. Kaye says that the ryotwarry system has failed; but no attempt to remove the obstacles to its success, even to give it a fair trial, had been attempted up to within a late date. "Unsuccessful experiments," says he, "are no uncommon things in the history of human administration." As though this were quite sufficient excuse for nothing having been done in the way of reform. The *experiment* concerned *only* twenty-two millions of human beings. The reasons of the failure of the ryotwarry to fulfil the expectations formed of it, have been pointed out over and over again by the Company's ablest servants. In 1798, Munro wrote that the assessment was too high. In 1807, he proposed a reduction of 25 per cent. In 1818, the Board of Revenue reported that the land was let "at a mere rack-rent." In 1821, Munro again wrote that the only means of bringing waste land into cultivation was by a reduction of the assessment. Twenty years later, Lord Elphinstone repeated the same fact. In 1854, Lord Harris reported the result of the last "ten years" inquiry. In 1856, the Court of Directors reply; and here we are in 1858 much where we were in 1798. The Torture Report shows us the representations made from to time by various civil servants, revenue and judicial. It recites the condemnation by the Board of Revenue in 1827. It gives extracts from the Court of Directors' own letters and despatches, which show that they were fully cognizant of the state of affairs. In 1849, Mr. Lewin reported much the same statements, and arrived at much the same conclusions as the Torture Commissioners. Nothing has been done from the date of the report to the present day. In 1852-3, the Bengal missionaries detailed the state of the case to Parliament. They applied to the Governor of Bengal in 1856. In 1853, Mr. Halliday, the Governor of Bengal, had passed the

most sweeping condemnation on the whole system of police. Lord Harris had sent up his scheme for the new organization of the Madras police to the Supreme Government. Lord Canning has again shelved the whole matter. Recent events will cut that gordian knot; and the Company will claim the credit of the reform. In 1835, a Law Commission was appointed. One of the first objects was to prepare a criminal code. The history of the Macaulay code it is unnecessary to follow. Commented on by every judicial authority in India, and then voluminously criticized by the Commissioners, the code has been all but remodelled by the late Mr. Bethune. It seems to have been altogether shelved for a series of years, and then to have been constantly oscillating backwards and forwards between India and England; as though, like a pipe of Madeira, when George the Fourth was king, its qualities would improve with each voyage. But it has never become law.

To meet the altered circumstances of India, the Charter Act of 1833 contained the following clause:—

"And be it enacted, that no native of the said territories, nor any natural born subject of His Majesty, resident therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company."

The Directors thus explained their conception of the intention of the Act, to their Governor-General. "The meaning of the enactment we take to be that there shall be no governing caste in British India, that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number; that no subject of the King, whether of Indian, or British, or mixed descent, shall be excluded either from the posts usually conferred on our uncovenanted servants in India, or from the covenanted service itself, provided he be otherwise eligible." Yet from that day to this, not a single native, not a single outside European, has been admitted to the ranks of the covenanted service! When the Charter was renewed, we were promised an amalgamation of the courts and codes of criminal and civil procedure. That was in 1853. The code has been drawn up by some of the ablest men in England, and from that day to this the scheme is in abeyance. "The same thing happened to my

suggestions which has happened to so many others of administrative reform," says Sir Erskine Perry, "that they were alluded to, and nothing else." When the same gentleman wished to introduce certain reforms with respect to the fees of the Supreme Court in Bombay, he pointed out in his minute to Government, "that those inquiries had been going on for twenty years, *but that nothing had been done!*" In 1829, the Court of Directors expressed their surprise that the Bengal Government did not obtain the whole of its supplies of salt from the Coromandel coast. In 1836, the Parliamentary Committee on the salt inquiry reported their conviction, "that however modified the salt monopoly may be, the evils of the system never can be eradicated but by its extinction." We have had all sorts of propositions made, and minuted, and reported on, and referred since, but matters stand much as they did in 1829, and indeed in 1805, when the monopoly was introduced into the Madras Presidency. The melancholy history of education in Madras, will be found in Mr. George Norton's evidence before the House of Lords' Committee, for 1853. Lord Harding's minute of 1844 stands a monument of good aspirations. Education, as a Government measure, may be said to date from last year, and even now the "establishment" is so out of proportion to the money actually spent on schools and school-masters, that it looks rather like a new patronage-ground for us Europeans, than a great institution for the natives. The noble anicut which now bridles the great Godavery, was first advocated in 1779. In 1779, Mr. J. Sullivan, in a letter dated 3rd February, fully explained the advantages of storing the waters of the Godavery and Kistnah to the Court of Directors. In 1788, Lieut. Lennon reported to Government that he had, at his own expense, surveyed the Godavery as high as the junction of the Sheveroy. In 1792, the Court of Directors, in their letter to the Madras Government, recognized the expedience of improving the Godavery and Kistnah, with a view both to navigation and irrigation. The anicut was not commenced until 1847. But this tremendous obstacle to all important improvements, is not confined to works of great magnitude. In Madras, the House of Correction was an old bomb proof in an angle of the Black Town wall. For fifteen years the late chief magistrate was continually

representing the unfitness of this hole for human habitation. He expressed it as his opinion that the place was not fit "to keep a pack of hounds in." I know not how many presentments the Grand Jury has made upon the subject. The Chief Justice repeatedly made it the subject of his charge. He positively refused to send Europeans there, and declared that "to keep a man in a place of that kind for a number of months, would positively endanger his life." We have at last a building, partially finished; but if the correspondence on this subject, between the various authorities in this country and those at home, were called for, I am sure it would fill a cart. And this with respect to an absolute essential in one of the Presidential cities. The condition of our roads in the interior, as shown by the Public Works' report, reads like a huge malevolent libel. The proofs of procrastination are to be found in that report to repletion. I have here jotted down a few specimens which first occurred to my recollection, on miscellaneous matters; they are surely enough to exhibit the evils of the system.* But the whole of

* Let this one specimen of the working of Indian Government suffice. It is known familiarly as "The Great £7 Putty case." It is printed in my "Madras." It is too instructive not to be again quoted here:—

"THE GREAT £7 PUTTY CASE.

"A range of barracks is built by an engineer, at a cost of £30,000 or £40,000; there is a large saving on the estimate sanctioned, for which he officially receives the thanks of the Court of Directors. Some time afterwards a storm occurs, which breaks a few panes of glass, valued at £7. The whole Presidency is at once in a state of excitement. The heads of that division of the army are directed to assemble a committee of officers, to investigate this matter. Their report is referred to the Military Board, who, after patiently examining all the papers, and referring to all their records, forward all the documents to the Governor in Council, with a deliberate and elaborate report; in which they assure the Government, that they have not hastily come to a decision, but have given their best energies to the investigation, and they conclude that the cause of the windows being broken was the inferior quality of the *putty*, and that therefore the engineer ought to pay for them. All the papers connected with this intricate and vital matter are now examined by the Secretary to Government, who sends them in circulation to the Governor, and the other three Members of Council. After a sufficient time has been given them to consider this weighty subject, and to record their individual sentiments in writing, the important day at length arrives, when the whole is to be reviewed and discussed in Council. The flag is hoisted, His Excellency's carriage, with two troopers with drawn swords in front and three behind, enters the Fort, and is drawn up at the gate of the Government offices. It is followed by the Commander-in-Chief, and the two Councillors with their silver sticks. The secretaries are summoned, and this solemn investigation is proceeded with, upon which the fate of £7 depends. It is,

Lord Harris's Government may be taken as a conclusive proof of the obstacles which the Indian system presents to progress.

however, discovered that the decision of such an important question, by an assembly drawing among them salaries amounting to £40,000 or £50,000 a-year, and the cost of whose weekly meetings in Council may be calculated at about £1,000, would be too presumptuous. After much discussion, therefore, and probably a second or third set of minutes, it is decided that the secretary shall draw up a report, embodying the opinions of the Council, to be submitted with all the important documents connected therewith, to the Honourable Court of Directors, and the Board of Control.

"The thoughtless mail agent little thinks what he has got under his charge, when he receives the box containing this despatch in the cabin on board the steamer. After many months, during which these papers have been the frequent subject of communication and discussion among the secretaries, directors, &c., &c., in London, another steamer proceeds with the freight of these papers, greatly increased in bulk and value by the opinions and decisions of the august Boards at home. They reach Madras; the Council is again assembled; the despatch is considered; a copy, with resolutions, &c., is sent to the Military Board, and after having been circulated, considered, discussed, &c., by them, instructions are issued, announcing that the Honourable Court, of course with the concurrence of the Board of Control, have decided, for reasons duly stated, that the windows shall be mended at the expense of the engineer. If a wing of the barracks had fallen down, of course, as a subaltern could not pay a lack of rupees, there would be no alternative but to re-build it at the public expense; but as he can pay £7, justice to the public service requires that he should be made an example of. In the mean time, as the officer is not in India, the matter lies over for a year or two. On his return, being surprised at the receipt of these orders, after having been officially thanked by the Court for having acquitted himself so well in the construction of this large building, he addresses the chief engineer, giving him, in a few words, reasons why he ought not to be held responsible for the loss of the £7, and as he has not previously had an opportunity of speaking in his own behalf, the chief engineer draws up a minute on the subject, which is laid before the Military Board, who again considers the question, and once more report to Government. Nothing can exceed the condescending and unwearied patience of all the authorities. The Governor once more records a minute, the second member of council minutes, the third member minutes, the Governor winds up by a fourth minute, by which time the subject is ripe for discussion. Again the Council assemble, consider, decide, and issue instructions to the Military Board; and finally, the officer is told he may keep his £7. And so ends the affair; till the report of the Governor in Council reaches the Court, when they will possibly order the matter to be taken up *de novo*, and thoroughly investigated. It should be mentioned, that it was discovered at last that some brads had been omitted in fixing the glass, which was not likely to be discovered either by the President of the Board of Control, the twenty-four Directors and their secretary, the Governor and Council of Madras and their secretaries, the Military Board, the chief engineer, the general of the division, the committee of officers, or the engineer himself; as none of them had ever served an apprenticeship to a glazier.

"This is the literal history of an Indian question, which has recently been agitated."

Here was a nobleman sent expressly to remedy admitted abuses; his plans were early digested, and submitted to the Supreme Government; but after three years' delay, he has the mortification of finding that the evils he was sent out to remove remain just where they were, and that he is powerless for good.

With reference especially to the police, delay would seem to have been fairly exhausted. All the authorities admit that the time for deliberation has gone by,—that the time for action has arrived. It is on this plea that they refuse to grant the commission of inquiry prayed for by the Bengal missionaries. The case, they say, is proved *ad nauseam*. We must do, not talk; and matter is again forthwith quietly shelved. Further inquiry into the alleged condition of the people may be expedient, but the immediate removal of proved evils under which they labour, is indispensable. If ever there was a case in which the Highlanders' precept of "A word and a blow, *but the blow first*," ought to be put in practice, the police of India presents that case. Yet it is thus that the shilly-shally procrastination system deals with it.

On the 18th September, 1856, Mr. Halliday minutes as follows, on the Bengal Missionaries' Petition for an inquiry into the condition of the rural population of Bengal:—

"They call, first and foremost, for inquiry into these, in preference to all other subjects of investigation, and they designate them, and with perfect truth, the radical cause of the social evils of which I am far from denying the existence, though I am not disposed to look upon them as so dark and deplorable as they appear in the painting of the Memorialists. *But why appoint a commission to inquire into such matters as those? They have been inquired into repeatedly, and their defects thoroughly examined and exposed.* Measures for the improvement of both the police and judicial system are now, as is well known, under the consideration of the Executive Government, and likely soon to be presented to the Legislature. The time present is, as regards those things not the time for investigation but for action, and anything that is likely to delay action on those points will impede the very consummation which the Memorialists so greatly desire. Nothing would so surely or so long delay the completion of the necessary improvements in the police and in the judicial system, as a

commission for a new inquiry into those subjects, and on that ground alone further inquiry is to be deprecated."

On the 6th October, 1856, the Governor-General writes thus:—

"Nevertheless, I am as thoroughly convinced as the Memorialists themselves can be, that the condition of the people of Bengal cries out loudly for amendment, and that this amendment is, in a great degree, in the hands of the Government; and the same evidence which has given me this conviction, has also satisfied me *that nothing more is needed in the way of inquiry on the part of the Government of India*, in order to set amendment in motion; that so far as information is concerned, the Government of India possesses enough to guide it surely and safely to the first great measures of reform in the administration of justice, and in the police; and that to incur delay on the ground that further investigation of the present palpable deficiencies under these heads is requisite, would be to waste time under false pretensions."

On the 10th October, 1856, Mr. Dorin follows suit:—

"In respect to such sources of social disorder as would admit of action being taken on them, I believe the Government are in possession of sufficient information to enable them to proceed with reasonable promptitude and decision."

On the 22nd October, 1856, Mr. Grant writes as follows:—

"In regard to what we are all agreed upon, no commission of inquiry can be necessary, for there is nothing to inquire about. In regard to what is believed to be overcharged, there is still no need of inquiry; for how much soever an existing evil may be exaggerated, no one denies that so far as it really exists, whatever can be done by a Government to remedy it, ought to be done."

On the 4th of March, 1857, the Court of Directors thus reply:—

"The statements and arguments contained in the several minutes to which we have referred, appear to us to dispose satisfactorily of all the allegations and conclusions of the memorial, in regard to the necessity, or expediency, of appointing such a commission as that to which the Memorialists point. Without denying that great social evils exist, *the minutes show that Government is in possession of full information in regard to them*; that

measures are under consideration, or in actual progress, for applying remedies to such of them as are remediable by the direct executive, or legislative, action of the Government, while it is shown that the cure of others must of necessity be left to the more tardy progress of national advancement in the scale of civilization and social improvement." Mr. Theobald, in his Evidence before Ewart's Colonization Committee, 10th March, 1857, 1st Report, states as follows:—

"Mr. Halliday, in his minute, quotes, I think, from a Member of the Council, who had said that the police were all thieves and robbers, and that, probably, the most effectual way of improving the country would be to put them all in prison, or words to that effect. We have represented that to the Local Government, we have represented it to the authorities here—the Court of Directors and the Board of Control, and it is, I believe, as bad now as ever. In 1836, it was in the same state. In 1836, the Court of Directors seem to have been perfectly aware of that state of things, for, by a despatch in January, 1836, they directed that no financial considerations should stand in the way of a reform so urgently required; so that the Court of Directors have shown their knowledge of the state of the police at that time, which was what it is now; and at the time Mr. Halliday wrote, nothing was done, and nothing has been done to the present day."

The "Friend of India," on the 31st December, 1857, thus sums up the matter:—

"The evils of the police system in Bengal, are among the few facts which all Indian parties admit. It is to be reformed, and the minutes are now before us. The writing began on 28th April, 1854, when Lord Dalhousie recorded his views. Mr. Grant followed with his views on the 23rd November, just seven months afterwards. Lord Dalhousie replied on the 3rd January, 1855. The question was then referred to the Lieutenant-Governor, whose views were expressed on 13th March. On 8th May, Mr. Grant replied, again insisting on his own peculiar plan. On 11th May, Mr. Dorin and General Law recorded short opinions, and there the question stopped for one entire year. What became of it we cannot even conceive, but apparently it rested with the Legislative Member, for on 15th May, 1856, Mr. Peacock sent in his remarks as if no interval had occurred.

On 4th June, another minute went in from the Lieutenant-Governor, and on the 24th September, the Court of Directors issued final orders. On the 18th February, 1857, the Governor-General reviewed the subject, adopting usually Lord Dalhousie's plan; on 9th April, Mr. Grant replied, and the measure has once again been referred to England."

Since then, the Court of Directors' memorandum so states the case, that one might fancy that something had been really done. Had the police been organized *before* the mutinies broke out, it is hard to say what effect they might have had upon the course of the rebellion; for the plan, I believe, is to introduce a semi-military body, something like the Irish police. But up to that date it was all talk, minute writing, and reference. Mr. Baring, indeed, says, that the police have been "successfully grappled with;" that may sound all very well in England—we in India rate this statement at its true value.

CHAPTER XI.

Topic 19th.

XIX. What shall be the future condition of the Indian Press?

I have been myself an editor of an Indian journal. From November, 1854, to August, 1856, I was the responsible editor of the "Madras Athenæum." Some of my friends have advised me, in any work I may write, to eschew this fact. For they say that I shall be suspected of bias and prejudice, if it be generally known that I have been connected with the press. I do not agree with them. The identity of every editor is perfectly well known in India;* had it been any thing to be ashamed of, I trust I should never have made the connection. At all events, I should be deceiving the public if I professed to write as an ordinary member of the public on this topic; while, on the other hand, as a set-off against bias, I may claim the benefit of practical acquaintance with the subject. What I am about to say of myself proceeds not from any egotism, but a desire to place the public in possession of such facts as may enable them to judge how far I am a competent witness and a safe guide in any discussion connected with the press question. I do not say that I did my spiriting over gently, for I am not aware that I ever spared any job or matter deserving exposure. During the time I wrote, Lord Harris assured me that he was fully aware of the ability and utility of the journal. I had Lord Dalhousie's testimony to the same effect conveyed to me by his private secretary: an official in the Board of Control informed me that the "Athenæum" was doing good yeoman service in

* For instance, the "Friend of India" has spoken of me by name, as, for years, the Editor of the "Athenæum;" and, in a late article in the "Calcutta Review," in which a Civilian (probably of Madras) endeavours to prove that the Torture Report is worthless, I find as little delicacy observed.

opposing centralization and annexation. From the Indian Reform Association the same assurance reached me: flattering attestation to the high character of the journal was borne by the contemporary press of India. The "Athenæum" is frequently quoted together with the "Friend of India" in proof of the respectable character of Indian journalism. I put aside the judgment of private friends; and there remains, I think, sufficient to make me look back upon my labours with an easy conscience, now that the storm of vituperation has assailed the press, and Lord Harris declares, as the result of his three years' watchful observation, that he has no hesitation in stating his impression to be that the entire press of India is, and "more particularly in this Presidency, disloyal in tone, un-English in spirit, and wanting in principle; seeking every opportunity, rightly or wrongly, of holding up the Government to opprobium; not so scurrilous, certainly, as portions of the press in the Colonies, but utterly regardless of correctness in statement." He speaks of the "calumnies" and "misrepresentations," the "falsehood," and "detractions" which are the characteristics of the press.

Further, I took upon myself the labour and responsibility of the editorship because it was thought by the reformers in Madras that I could write beneficially upon subjects of public interest affecting the condition of that Presidency. Of course I received valuable assistance and support from many friends whose names I am not at liberty to mention, and gained, probably, credit little due to me for an extent of information and able writing. I bore the work in addition to the labour of all my other avocations; and I may add that I did not write for money. Not that the labourer is not worthy of his hire; or that many better men than I have not earned an honourable independence in connection with the press; but it so happened that I had an ample income from other sources, and it appeared to me that my writings would have the more weight from their being voluntary contributions; springing from and representing my settled convictions; not possibly open to the suspicion of having been written to order.

So the matter stands, I have made a clean breast of it. Am I any the worse adviser on account of my connection with the press? Certain I am that the mass of correspondence from all classes and conditions of men, on all sorts of public questions con-

nected with India, has given me an insight into this country's condition which I could not possibly have acquired in any other way.

This question of the condition of the press, like many others connected with the future of India, may be said already to have solved itself with the year, the Gagging Act will die out, and we shall hear no more of shackling the freedom of the press. Lord Canning was not content with the rebellion; he must enter upon a death-struggle with the press. This was lighting the candle at both ends with a vengeance. The battle between the two principles—Despotism and the Freedom of the Press—was fairly joined, and the issue is already determined against the former. While it is tacitly understood that the press will resume its liberty at the end of the year, the fiat for the destruction of the most complete oligarchic despotism the world ever saw has gone forth. The East India Company owes this consummation to its contention with the press, next to its contention with its rebellious subjects.

I am not about to write a history of the Indian press; my observations will have reference to late events. We all know how Metcalfe established its liberty in 1835—how Lord Canning suppressed it in 1857. We know that the Court of Directors, the Indian Government, and the Civil Service, during almost the whole interval, have been jealous of the power of the press, and would gladly have restricted its freedom upon any favourable opportunity which offered. Lord Ellenborough stated in the House of Lords, that when he was Governor-General, it was suggested to him that he should shackle the press, and he was promised the support of the home authorities, if he would make the attempt. About a year before the rebellion, a private circular was sent to several, and, I believe, to all the editors in India, warning them that some attempt was meditated against the freedom of the press. The "Madras Athenæum" and one other paper, if my recollection serves me right, were the only journals that noticed this communication. The others treated it with contempt, because the thing looked impossible. Before the press was gagged, Sir Henry Lawrence had appointed a censor over the "Central Star" in Lucknow: and I am disposed to believe that this was put forth as a feeler, since the "Star" was a staunch sup-

porter of Sir Henry. Again, the Indian press, with the exception of the "Madras Athenæum," made no sign. On the 13th of June, the old grudge of the Civilians was fully gratified. Lord Canning, with the magnanimity of a Quintus Curtius plunging headlong into the open pit, took the whole responsibility upon himself; but he did not say that the measure had originated with himself.* I have no hesitation in expressing my belief that the measure brought forward by the Civilians who form the Government, not because the crisis necessitated the measure, but because it appeared to afford the long-sought-for opportunity of carrying it out, with some show of plausibility, and with little resistance. Political capital, as I have said before, was made by those gentlemen out of the bloodshed of their countrymen in the North-West. If Lord Canning's reasoning be examined, it will be found that there is not in his introductory speech any justification of his measure, so far as it concerned the European portion of the press. That the native press, in the North-West especially, had been violent and treasonous had long since been pointed out, and its suppression called for by the European press;† but Lord Canning expressly exempted the European press from the remarks which he had made on the character of the native press; he actually gave credit "to the many able and intelligent men who conduct the newspaper press in this country for the feeling they have shown at this period;" not that much credit was due to them for that, for their lives were in as great jeopardy as those of any other persons in India. Newspaper property was not spared in Delhi, and an editor shared there precisely the same fate as his fellow-countrymen. Nana Sahib, indeed, paid the editor of the "Bombay Gazette" the compliment of offering a reward of 2000 rupees for his head, while he only offered 5000 for Lord Elphinstone on the one hand, and 200 rupees for the common ruck of Civilians on the other. But independent of personal considerations, there cannot be a doubt that the press, as a body, would

* The Author of the "Red Pamphlet" says that when Mr. Halliday returned to Calcutta, he called on Lord Canning, and urged the adoption of this measure: that then Mr. Grant and Mr. Diver had interviews with his Lordship, and the thing was done.

† I have not seen any *evidence* myself of the character of the native press. I have heard it alleged, on the other side, that it is not of the character so freely imputed. The fact calls for elucidation. It is to be presumed that the Government is in possession of proof, if any exists.

unanimously have thrown all its weight into the Government scale, if it had been left free to choose. The conduct of the Bombay press, in response to Lord Elphinstone's liberal policy, is sufficient proof of that; and the Government need only to have intimated to editors its desire that more than extra caution should be observed in the dissemination of reports, coupled with the assurance that all authentic intelligence should be communicated from the Government office, to have secured the most willing acquiescence in so reasonable a request. On the contrary, the hostility of Government, indiscriminate and utterly uncalled for, based, indeed, upon the most untenable reasoning, if such it can be called, could not fail to rouse angry feelings and excite animosity on the parts of those who were so unjustly condemned.* It did,

* My reviewer in the "Economist," starts by questioning the *bona fides* of this reason for my publishing the "Rebellion in India" when and where I did. It is unfortunate, he says, for the accuracy of the statement that the comments of Indian journalism have been just as free and severe since the Gagging Act as before. Now, I would ask my critic to point me out in any single issue of any single journal, except the "Friend of India" in its article "The Centenary of Plassey," for which its editor resigned, a single allusion to the policy of annexation! That is entirely forbidden ground. What has been in every man's heart, and on every man's tongue in private life, must not be approached in public discussion. Let me ask whether my observations on the annexation policy, could have appeared in any Indian journal subsequent to the Gagging Act? But farther, independently of the total restriction as to this special subject, is it true that the current course of disquisition has been just as unrestrained, in point of fact, in its comments on Government action, as it was before the Gagging Act, or as it is at the present day in England? The first fact which somewhat militates against this statement is, that a Calcutta journal has been warned for re-printing articles from the London press, and that the editors of Bombay and Poonah journals have been written to by the Secretary to Government, cautioning them against admitting the press articles into their columns. The "Friend of India" was twice warned, and its editor thrown overboard to save the existence of the journal. The "Bangalore Herald" was next warned by the Madras Government for copying an article on Lord Canning from the "Calcutta Comus," which his lordship had not thought it worth while to notice. The "Hindu Intelligencer" was snuffed out. The Madras "Examiner" was warned for copying an erroneous statement from the "Hurkaru," and making certain comments upon it touching the position of a Government official. The "Dacca News" was warned by the Lieutenant-Governor of Bengal for an article headed—"The tenure of land by Europeans in India," which contained some home, but disagreeable, truths, and was extensively copied into other Indian journals; the proprietor notified his desire to sell his types in consequence. The "Rangoon Chronicle" was required to submit to a censorship not provided for by the Act.

The "Englishman" was warned for I know not what. The "Hurkaru" actually had its license taken away, but it was restored on second thoughts. The "Examiner" was

in fact, array against the Government, not only the whole of the press—the "Friend of India," even, chopping right round into an opposition journal,—but it alienated a large portion of the most influential of the independent members of Calcutta society. That the Act was entirely needless, every one now feels, and almost everybody admits. It was followed by an immediate outcry against the press in certain quarters; but the various warnings which took place from time to time, and the various principles involved in the warnings, showed how very little the authorities deserved to be trusted with such uncontrollable power. There was no uniformity of principle. What was not thought worthy of notice in one quarter, called for severe censure in another: and had not the various Governments speedily found that they had taken an utterly mistaken measure of public opinion, there is no saying how tyannical a use they might have made of their newly acquired power. Having a giant's power, they might have used it like a giant. Lord Harris went the length of declaring, that the "Madras Examiner" had forfeited its license by changing its foreman in the printing office without registering afresh! *

warned a second time because its foreman absconded. The "Mofussilite" writes under the censorship of the Lieutenant-Governor of Agra, who is said further to contribute his own matter freely enough. In a recent issue, the paper appeared without editorial matter; but with the pithy remark—"the editor proposes, the censor disposes." Even in Akyab, where there is no journal, a private merchant has had his lithographic stone taken away, because he introduced political remarks into his commercial circular correspondence. The Lieutenant-Governor of Bengal forwarded the "Dacca News" of 9th September, 1857, to the Supreme Government for having made use of the term "an unscrupulously rapacious Government!" The Government observed that it would not cancel, though, if the license had been cancelled, it would not object. The Supreme Government has informed the Bombay Government that the publication of an unfounded rumour is not within the meaning of the Act.

* *Extract from Minutes of Consultation, dated 12th November*, 1857:—

"The Right Honourable the Governor in Council observes that on the 9th instant, Mr. William Collins made, before the Commissioner of Police, a declaration that he had ceased to be the printer and publisher of the "Madras Examiner." The license granted under date 13th July, 1857, to the Right Reverend J. Fennelly, thereby became void.

"2. Nevertheless, on the following day, or on the 10th instant, the "Examiner" newspaper appeared with a foot-note at the end of the last column in the fourth page, to the effect that its printer and publisher was Mr. Robert Galway.

"3. There can be no doubt, the Government apprehended, that in thus continuing the issue of the paper when the original license had determined, and when no new one had been granted, both the Right Reverend J. Fennelly, and Mr. Galway, the proprietor and printer of the paper, have rendered themselves liable to heavy penalties.

For my own part, I was not one of those who imagined that the measure would be received with a shout of public indignation in England. The tremendous nature of the crisis would weigh heavily on most men's minds; and it would be thought by all but those, also, who look far a-head, that the present good of the measure out-balanced its future evil. The authorities, in such a season of peril, could not be too strongly armed, the Indian press had never enjoyed the best of characters among those who knew it not; for has it not been assiduously paraded as personal, lying, scurrilous, and so forth; the freedom of the press might be a thing to fight for at home, but India was very far off; and its very principle of Government was despotic, the measure was but temporary, at the worst; numerous communications justificatory of Lord Canning's Act were certain to pour in from India; India-House influence would support it at home. In short, there were abundant signs to my mind that at first, the measure, if not received with favour, would excite no indignation. At the same time I was perfectly confident that this policy could only last for a season, and that as the real facts and merits of the case came to be ventilated and understood, and as soon as the practical inconveniences of shackling the Indian press came to be known and felt in England, the Act would be condemned. So it has come to pass; and quicker than I expected. At first, we had Sir Thomas Munro's old minute of 1822 hawked about; and, on some weak

"4. The Right Honourable the Governor in Council will not, however, exact the penalties as he would be fully justified in doing, nor will he refuse the license for which Messrs. Fennelly and Galway have now applied, although he would be amply warranted in such refusal by the highly objectionable nature of the articles which have lately appeared in the paper. The Government would hope that the paper under its new license—while it freely engages in fair and temperate discussion on public affairs—will avoid all offensive and inflammatory matter, tending to those objects against which the Press Act is directed. But if it should prove otherwise, the Governor in Council, after this the second warning, will have no course left him, except that of putting in force the provisions of Act XV, of 1857, in their full stringency.

"(True Extract.)

"(Signed) T. PYCROFT,

"*Chief Secretary.*

"To the Commissioner of Police, with license to be delivered to Dr. Fennelly, with copy of this order.

"(A true Extract and Copy.)

"J. B. BOULDERSON,

"*Commissioner of Police.*"

minds, this "remarkable" document made the impression of prophecy fulfilled. Because there *was* a free press, and there *is* a rebellion, they are connected in the way of cause and consequence; and Sir Thomas Munro had, of course, predicted exactly what would happen. But a little reflection pointed out the fallacy of this connection of the *post hoc* with the *propter hoc;* no one now believes that the rebellion has been caused by the existence of a free press; and the two have about as much in common as Goodwin sands and Tenterden steeple. It was soon seen that Munro had argued in a confused manner upon the tendencies of an English and a native press. For instance, when he is speaking of the natural tendency of a press to excite the people to rise against the conqueror, it is abundantly clear that he is speaking of the press of the conquered, not of the conqueror. It is true that he pointed out what possibly might lead to rebellion; but the present rebellion, unfortunately for the argument of those who call Munro a prophet, has not sprung from any of the causes which he assigned; Sir Thomas Munro was not in advance of his age. He regarded the abolition of the Company's trading monopoly with the most dire foreboding. His obstinacy in regarding the revenue branch of the Service as of more paramount importance than the judicial, and his desire to leave the judges unfettered in their "patriarchal" dispensation of justice, amounted almost to infatuation, notwithstanding that his still abler contemporary, Mr. Fullerton, irresistibly established the necessity of specially trained occupants for the judgment-seats of the Company's courts. Munro's strong mind, his time-won experience, and his benevolence towards the natives, makes him a very valuable authority with reference to all those matters which had fallen under his own observation; but when he was speculating on the probable results of a free press, he was gazing on a future of which he knew nothing; and with all deference to his name, we may well question how far what he wrote in 1822, under vastly different circumstances from those obtaining at the present day, ought to have any weight or value in the year 1857. At any rate, against Munro we may surely set off the opinions of a far greater statesman, Lord Metcalfe, who, many years later, foresaw none of the dangers from the liberty of the press, which had appeared so formidable to the fancy of Munro. Every word

of Lord Metcalfe's minute deserves to be written in letters of gold. I will only quote a single passage:—

"It cannot be that we are permitted by Divine authority to be here merely to collect the revenue of the country, pay the establishments necessary to keep possession, and get into debt to supply the deficiency. We are, doubtless, here for higher purposes, one of which is to pour the enlightened knowledge and civilisation, the arts and sciences of Europe over the land, and thereby improve the condition of the people. Nothing, surely, is more likely to conduce to these ends than the liberty of the press."

Later still, the language of Mr. Kaye, that authority beyond all suspicion, is conclusive as to the true character of the Indian press. Writing on the above language of Lord Metcalfe, he says, "Whilst such was the language of one of the ablest and best of men whom England has ever sent forth to toil beneath an Eastern sky, this great measure for the liberation of the Indian press found at home many assailants. It has now lived down the reproaches which were once cast upon it, and I should no more think of writing an elaborate treatise in its defence than of defending the freedom of commerce, or the free admission of Europeans to all parts of India, or any other of those fair images of progressive civilisation which have pushed down from their pedestals the old idols of monopoly and exclusiveness, a blind worship of which was once considered necessary to the maintenance of our empire in the East." The law was ample as it stood before the Act, to have punished any seditious writings had such been discovered. Three editors of native papers were actually prosecuted by Government after the act came into operation; two pleaded guilty by arrangement with the prosecution. The acquittal of the third, the editor of the "Doorbeen," argues nothing against the sufficiency of trial by jury. A Calcutta jury, during the outbreaks, would certainly not be actuated by any very friendly feelings towards a native who published treasonable matter; but, in this case, the wretched prisoner had actually forwarded to Government a copy of the number of his journal on which he was indicted, with a request that he might enjoy the sweets of patronage; so little was he conscious of any intention to sow sedition or allow his paper to become the medium of its dissemination. There need be no fear of a jury, two-thirds of whom are ordinarily

actually in Government employ, or some way connected with it, exhibiting a political bias against the state; and repeated experience has proved that libels cannot be put forth in Indian journals without the most serious risk of exemplary damages and heavy costs awarded by the judges of the Supreme Court on the civil side, where there are no caprices of a jury. The folly of this suicidal measure speedily became apparent. Government deprived itself of one of the best, cheapest, and most certain channels of gaining intelligence. The injurious rumours which were daily propagated could not be corrected. The natives looked with suspicion upon everything that appeared in the columns of the papers. An Allahabad correspondent of the "Englishman," writing on the 26th ult., has the following remarks, which illustrate the operation of the Gagging Act on the minds of the natives:—

"The Oude rebels say, that we are imposing on their brethren on this side of the water, by the appearance of such a number of troops,—our dodge being to run the same men backwards and forwards on the line of railway to keep up an appearance of fresh arrivals. This practice is supposed by them the only one which can account for such a regular supply. Another original idea is, that we dress up mummies, and fix them upright in the train carriages. The 'chapah kaguz,' as they call the newspapers, they say, are all supervised by the Company, and publish false statements of the arrivals of ships with the 'gora logue,' under penalty of immediate confiscation! So much for the Press Act."

Gross exaggerations found their way in private letters to England; and fabrications, also, which never could have obtained a moment's credence had the press been free. I need only instance the story of Mr. Grant's relieving rebels, which created indignation at home, and caused the "Times" to style Mr. John Peter Grant an "Indo-maniac." Now this fiction was not copied from any Indian journal; it went directly home: had it made its appearance in India, it would have been at once contradicted. As it was, Mr. Grant reaped all the disadvantage of many months' belief in the tale, on the part of the public; and his late denial, though given at the earliest practicable moment, will not reach one ear out of a thousand that has listened to the

original story.* It was quite impossible to check the introduction into India of the English journals; the "Press," with its inflammatory articles; the "Times," with its advocacy of entire annexation; the reported speech in Parliament of the Chairman of the Court of Directors, in which he openly stated that India was given to us by Providence for the purpose of proselytizing its inhabitants; the "sepoy" leaders in the "Nation," and the rejoicings of the "Univers," might be read over the length and breadth of India. On the other hand, it was equally impossible to control the native news letter writers; or to stop the two thousand runners, with despatches for private persons, ever travelling between Calcutta and the North-West. So far from the freedom of the press being incompatible with the suppression of rebellion, I believe that it would have been found one of the main sources of Government strength. As to Lord Canning's plea that it was impossible to devise a measure drawing any distinction between the English and native press, it was simply unfounded, the attempt was never made. The freedom of the native press, by which I understand the papers published in the vernacular, might have been shackled, a censor might have been appointed; they might have been altogether suppressed, if it had been deemed necessary, not only without any resistance, but with the most unanimous approval of the public at that time.

If Lord Canning failed to give any satisfactory reason for gagging the press in his introductory speech of the 13th of June, he was certainly not more felicitous in his subsequent despatch to the Court of Directors. He and his colleagues showed, what nobody questioned, that those who gave the press its liberty foresaw the *possibility* of circumstances arising, which might necessitate its temporary restraint; but the despatch utterly failed to establish the fact that that necessity had arisen. In this respect, the criticism of the "Times," upon the Calcutta Petition, would have been equally applicable to Lord Canning's despatch. There

* It is worthy of remark, that though Mr. Grant denies that *he* relieved these prisoners, neither he nor Lord Canning has asserted that they were not released by an order of Government sent up from Calcutta. I am informed, on good authority, that such was the case. Neil had determined to make an example of these prisoners. When the order came it was carried out; but the soldiery had been warned, and the prisoners were all shot down outside the prison gate. This matter requires further sifting.

was an entire want of connection between the premises and the conclusion; besides which, there was no attempt made to establish the minor premise. That state paper, however, referred to certain Minutes of Lord Harris and his Council, which accompanied the despatch; and as the Minutes of the Governor of Madras have been published, it becomes necessary to consider those two very remarkable documents, for if his lordship's allegations be true, they abundantly supply all that is wanting in the Governor-General's argument, and were probably published on that account; though it is to be remarked, that the Calcutta Council, in forwarding the Madras Governor's remarks, refrains from endorsing them with approval or assent. It is a satisfaction to me to reflect *now*, that at the time Lord Harris was penning his narrow-minded, calumnious, libels on the press for the secret eye of the Court, I, in a very different spirit, was writing of his lordship for the public.* I gave him credit for his goodness of heart, and straightforwardness of purpose. I pointed out, that if the results of his administration were small, he would claim to be judged of by his writings. I am still willing to abide by what I have written, but, in forming an estimate of Lord Harris, these minutes, amongst his other writings, must of course be taken into account. They appear to have been treated with merited contempt by the press of England; and even in India, though they have naturally excited much indignation, not so much has been said as the provocation would have justified. I have heard his lordship's friends express pity for his exposure. They say it has been done to spite him. He never dreamt, they add, that these strictly confidential communications would have been placed before the public. For my own part, I cannot acquiesce in the morality of such commiseration. It is to transfer the condemnation of a foolish or malevolent act from its perpetration to its discovery. Nor can I admit, that however unreserved private communication may be among friends, any public man has a moral right to make his secret minutes the medium of charges the most sweeping, and generalizations the most unwarranted from his scanty premises, to the detriment of classes or individuals, who, but for some such accident as the present, may have no possibility of exoneration or refutation. But be the motive for

* "Rebellion in India," p. 98.

publishing these minutes what it may, Lord Harris must submit to the consequences. The minutes will be found in the Appendix;* portions of one of them I must extract here, after speaking of the character of the press in the terms I have before quoted. His lordship thus describes an editor:—"There has been much said and written about torture of the body in these days, and every attempt has been made to stop it, but there is another description of torture much more painful to an honourable mind—that of traducing the reputation, which equally deserves consideration, which equally calls for interference, and which now can be practised by any man who will descend to defamation whilst skulking under the shield of the editorial We; or to misrepresentation while hiding himself behind some *nom de guerre*. The bully of society in former days, I mean the duellist, offensive as he was and frequently unfair, still had the merit of boldness, and risked his own life, whilst he took the lives of others; but these bullies of the present day are sheltered under present circumstances from all risk."

And it is thus that his lordship shadows forth his proposed remedy:—

"A disease of this nature should be kept under command, not by repression, but by the application of a cure on sound principles.† The liberty of the press is a most important and vital principle in the best interest of humanity, and cannot on any account be interfered with;‡ but that freedom has been won and granted for the purpose of eliciting truth, not for disseminating falsehood. The propagator of untruth, or of misrepresentation, should be made responsible for his statements. The burden of proof should be thrown upon him, either as proprietor or editor,§ and on failure, the act should be penal in an ordinary court.‖

* See Appendix A.

† Lord Harris's cure "on sound principles" is a funny one.

‡ Yet in the next sentence his lordship proposes measures which would place it under his control.

§ A fair definition, though his lordship is evidently unaware thereof, of the present common law liability for libel.

‖ By an "ordinary" court, it is quite clear that his lordship alludes to one of our Mofussil or Magisterial courts; for he would withdraw the inquiry altogether from the Supreme Courts, where alone juries pronounce their "fickle timorous decisions."

The reputation of a Government, or of its officers, or of any individual, should not be valued at a money rate, or left to the fickle and timorous decision of juries."

In contrast to this, listen to the Earl of Camden, who, in his last great speech in the House of Lords, thus expressed his sentiments on the question of leaving to the jury the decision of libel or no libel:—"With them leave it, and I have not a doubt that they will always be ready to protect the character of individuals against the pen of slander, and the Government against the licentiousness of sedition."

With regard to the justice or taste of dubbing the editors "bullies," and drawing a parallel between them and the "duellist of former days," I have nothing to say,—or I might establish a still more disadvantageous contrast between the editor and the writer of the secret minute. It may be true that an editor, if so disposed, may bully; but at any rate he swaggers in the open light of day. His office and his residence (in India) are perfectly well known. Even the "*argumentum baculinum*" may be applied without difficulty. What he writes admits of immediate contradiction or disproof. But the secret minute writer enjoys the most complete impunity. The mischief he edits—whether the result of malice or mere folly—works silently, and without the possibility of antidote. If it is brought to light, the writer is still irresponsible. His communication is "privileged;" his position is "official," and he is too elevated in dignity to make redress. Though the "bully" is despicable enough, there is another character more offensive—more sinful still—the assassin who stabs in the dark. It is thus that an Indian editor might retort upon his lordship.

What more concerns the public is the fitness which his lordship evinces by his minutes, in point of reasoning and judgment, for the important duties of a Governor. I would call attention to the nature of his generalizations from the most insufficient and scanty premises; to the miserably illogical insinuations in which he deals; to the "recklessness of assertion" and "misrepresentation" which he so freely indulges in, blameable as he deems them in others. For instance, let it be observed how sweepingly his lordship asserts that the press takes every opportunity, rightly *or wrongly*, of imputing improper motives and the like to

Government; a poor return, as it appears to me, for the large measure of support and the praise which he himself received at the hands of the Madras press, or its most influential portion. Let especially his second minute, in which he deals with the "Examiner," be scrutinized. That journal, the organ of the Roman Catholics, has obtained a large circulation; among other causes, from its very moderate price. But this, in his lordship's estimation, is not sufficient to account for its support. On the contrary, its price is so small, that it must receive factious support, and, therefore, without a shadow of proof, he intimates that the Catholic priests—a body so poorly paid that they can scarcely keep up a decent appearance of respectability—contribute to its support; and with equal absence of all proof, and indeed contrary to the fact, he hints that the increase in the pay of the Bishop has some connection with the increased size of the paper. Then observe the "recklessness of assertion," the "misrepresentation," which assumes that arrangements have been entered into, for the translation of obnoxious articles into the vernacular; and he jumps to the conclusion that the sepoys will be the first to be affected by the poison; the Bengal sepoys, I presume,—for the Madras sepoys are fortunately loyal. His lordship's horror of trial by jury might be characterized as "un-English." The despotic fashion in which he would crush the press, shows how fatally Indian rule and flattery operate upon a naturally well-intentioned but weak-minded person.* In contradistinction to Lord Harris's "three years' experience," let us see how Mr. Lumsden and Mr. Malet, both civilians in council, and, therefore, of at least twenty years' service, express their opinions. Mr. Lumsden

* Contrast with these views of a liberal nobleman, the sentiments of the conservative Lord Derby and Lord Stanley. Speaking of trial by jury, the former says—"To that tribunal every case must necessarily be brought. Before that tribunal the Queen herself is bound to plead; to that tribunal she appeals for the vindication of her rights, for the protection of her person, and it is, in fact, so incorporated with our judicial system, that I cannot for a moment believe that it would enter the mind of any foreign Sovereign to suggest even the possibility of an alteration, in that respect, in the jurisprudence of the country."

And the latter thus describes the freedom of the press—"The vast developement of the power of the press during the last quarter of a century has introduced into modern politics an entirely new element. It is impossible to sit in Parliament without seeing how far and to how great an extent modern journalism affects even our Parliamentary debates. *That power of the press is in itself a representation. It is the best protection, as I believe, of the poor and the humble against the powerful.* It

writes: "With a few rare exceptions it is admitted that the measure was uncalled for by the European portion of the press, indeed the Governor General says as much. The strictures of the European prints on the proceedings of the several Indian Governments have seldom passed a justifiable limit, and indeed have often been profitable, however severe." And Mr. Malet thus expresses himself: "The restriction as to the respectable portions of the press, both English and native, will be almost nominal, for with the experience we have had of the benefit to be derived from free discussions, it is not to be supposed that any Indian Government will wish to check it, unless it exceed those bounds within which alone it can benefit the public."

This episode may seem somewhat long; but the importance of Lord Harris's opinion, if it be well founded, renders it unavoidable. As I set off Lord Metcalfe against Sir Thomas Munro, so I would now set off the far more reliable authority of Sir Charles Trevelyan against Lord Harris. It is surely unnecessary that I should do more than point to the letters of Indophilus, whose style, whose reminiscences, whose associates, whose opinions, unmistakeably identify him with the statesman who gave such lucid evidence before the Parliamentary Committees. Lord Harris's minutes fell a mere dead letter upon the English public. Even among the Indian journals they were for the most part treated with a contemptuous indifference. Sir Charles Trevelyan's statements at once fixed attention, and carried with them the convictions of the people of England.

It is now well seen that of the two countries, India and England, the former really stands far more in need of a free press than the latter. In England, independent of the press, there are very many checks against bad, and guarantees for good, Government. There is a mighty public, there is a crowded population; the most rapid means of communication; business is done in the eye of the public; Parliament ventilates all topics.

is a protection which no legislation created; it is a protection which no legislation can take away; and it is not one of the least subjects of satisfaction to me, looking back at the few years which I have passed in public life, to think that I was one of those who took part in a measure—I mean the removal of the stamp duty—which has given an increased developement to journalism, and of which we have seen as yet only a small portion of the effects."

Public speeches do the same during the recesses. The courts of justice are closely watched by an upright intelligent Bar. There the public purse-strings are held by the nation; there the principles of Government are fully understood; there the people are of the most independent spirit—have an unconquerable love of freedom; and there every job that is perpetrated is agitated against. But in India, where the Government professes to be despotic, though it designates itself a "paternal despotism;" where the distances are immense; means of locomotion in the rudest stage; the people so timid and time-serving that they crouch before men in authority, and lick the hand for "master's favour;" where the courts are social pests; and, but for the press, no job, however gross, would ever be brought to light, it stands to reason that the only check upon the most arbitrary injustice, the most flagitious jobbery, the most puerile incompetence, is to be hoped for in the freedom of the press.

How the press has discharged its functions may be best learnt by a reference to the articles of the leading Indian journals. That the press was faultless, no one has ever sought to maintain; but that it is both honest and fearless cannot be denied. A free press naturally—necessarily, indeed—excited the jealousy and dislike of those upon whom it acted as the only check, especially as, by a most suicidal order of Government, they were prevented from writing in their own defence; and hence, so many accounts have reached England of the worthless character of Indian journalism, which, from the mere force of iteration, have found a wide-spread credit. It is always easier to accept for granted the assurance of a third party, if he be credible, as a general rule, than to verify for oneself the truth of his assertion.* Otherwise, a reference to the traduced journals would have speedily exposed the truthlessness of these reports. I do not mean to say that incorrect information does not occasionally find its way to the public through this channel, but the editor is too often the dupe of *ex-parte* statements which bear the stamp of respectability.

* Thus, even after the letter of "Indophilus," the "Morning Post," in February, 1857, writes of the press as, "on many occasions, such a mischievous instrument, and such a discreditable institution!" This goes down with the public. The writer, probably, writes upon impressions formed on his mind by general reputation, not of his own knowledge; for I should be sorry to impute wilful, false statements to any man.

I can vouch for the assiduity with which correct intelligence is sought for; and it must be so, for the character of a newspaper depends very much upon its general accuracy. The Government has itself mainly to blame, for the jealousy with which it stops reliable information is one chief cause of error; yet, when a wrong has been unintentionally done, I have never known an instance in which an Indian editor refused, upon being set right, to acknowledge his mistake, and make the fairest *amende* in his power—a line of conduct which might, perhaps, be advantageously followed in England. If there is a blot upon the Indian press, it is to be found in the occasional "Slurk and Pottish" encounters of rival editors, whose quarrels are as important in their own eyes as they are ridiculous in the eyes of the public; though, after all, I do not remember to have seen anything that beat the bandying of hard words between the "Times" and "Chronicle," when those two journals fell out some years ago. There has been the most marked, indeed, the most astonishing improvement in the tone of Indian journalism within the last six years. I date from the commencement of the discussions on the last renewal of the Charter; and it is seldom that any of the principal journals can now be taken up without finding in them articles that would do credit to the leading London newspapers. Topics of all sorts are handled with a breadth of treatment, a knowledge of the subject matter, a depth of argument, and an excellence of language, which it would be difficult to surpass. On one point, I conceive, there exists a misunderstanding, which arises from a mere confusion of words. The Indian press is said to be *personal*. In one sense it is so, and most properly. In *individualizing* the person whose conduct is the subject of remark, so that there shall be no mistake as to his identity, "personality" is unavoidable. It would be impossible, otherwise, to point the moral of the tale; and exposure would lose half its force, if the object was left matter of conjecture. It is the fear of being thus marked out that checks the insolence of office, the proud man's contumely. If an account of some objectionable transaction were to commence like a fairy tale, "It happened, many years ago," or "Once upon a time," or "Not a hundred miles from Calcutta, a certain judge," or the like, the strictures of the press would be a solemn farce. Yet it is this to which our Indian authorities

object. When I wrote the "Administration of Justice in Southern India," one of the chief complaints against it was its "personality." I took the liberty of naming the judges whose decisions I reviewed. It was objected that this was unnecessary and offensive, for the extracts should have been introduced as the decisions of the "civil judge of Masulipatam," "the sessions judge of Trichinopoly," and so forth; as though my Lord Campbell, or any of the judges of the English bench, would have thought that the "Times" or "Examiner" had transgressed the legitimate license of the press by naming them in conjunction with their judgments, which might happen to be under notice. When a series of admirable articles on the "Promotion Order" appeared in the "Madras Athenæum," and with such success as to secure justice for some seventy officers whose claims had been set aside, one of the chief military authorities in Calcutta wrote to me complaining, among other things, that he had been mentioned by his name instead of by his office! In the other and objectionable sense of the term "personality," namely, that of departing from the legitimate sphere of comment upon an individual's *public* career, and prying into the sacred mysteries of private life, it cannot, with any truth, be applied to the Indian press, which is singularly free from this blemish. True, hard names may be applied to individuals with reference to their official failings; but folly, ignorance, insolence, injustice cannot be reproved in the language of panegyric; and ridicule, irony, and satire are among the most legitimate, as they are, frequently, the most forcible and appropriate weapons of the public writer. I do not remember to have seen anything stronger than the "Indo-maniac," which the "Times," without compunction or delicacy, applied to Mr. Grant, though it turned out that the epithet was inapplicable. The most discreditable passage in the history of the press, that occurs to me, is the set made against Sir Charles Napier by the "Bombay Times;" but it would be very unjust to impute the blame of that attack to the entire Indian press, though Sir Charles, in his indignation, was in the habit of including all Indian journalism in the harsh terms of his descriptions.*

* Just now Mr. Layard seems intent upon running a muck against the Indian press, though it would be difficult to say what has excited that gentleman's wrath beyond the ridicule which a four months' Indian tour has universally created.—Ed.

As to the charge lately brought against the press, that it is "un-English," unconstitutional, seeking to bring the supremacy of England into contempt, and the like, it appears to me that the widest possible distinction is to be drawn between opposition or disapproval of the conduct of a particular government or functionary, and a general purpose to subvert the principles of all British government; though I am well aware that, in the eyes of an exclusive civil service, it is heresy and treason to question any of their acts, and that all those who will not applaud them and their doings to the skies, but claim to hold or express an independent opinion of their own, are "evil disposed," interested intriguers, disappointed, jealous, half-informed, envious detractors, and the like. But the ready imputation of base motives is the mark of a little mind.

The journalist, though he affects to lead public opinion, in point of fact, follows in its wake; and the most successful journal is that which comes nearest to Halifax in the delicate art of trimming at the right moment; which discerns the first wavering of the fickle *popularis aurœ*, and shapes his course so dexterously as to seem to be moved by his own independent volition, instead of being, in fact, impelled by every external influence. In England, this requires, no doubt, great tact and discrimination; but, even in India, where society is less artificial and complicated, we may be quite sure that a journalist must suit his wares to the market. To assume that he can only succeed by lavish abuse of Government "right or wrong," is to ignore the fact that the great majority of his subscribers are members of one or the other of the services. I dissent entirely from Mr. Mead's statement that, "to the unfettered journalist in India, *abuse* of the Company and its rule is a necessity of his existence." The staple is, no doubt, censure; but the reason is that there is comparatively little to praise, though I am not aware that approval has ever been withheld where it has been shown to have been deserved. The most useful function of the press is its pointing out defects, not harping upon perfections; and I am quite sure that the chief reason why the services support the public press, in spite of its constant fault-finding with the Government, is that the censure is felt to be merited. So, again, when the Indian press is called rebellious, scurrilous, and the like, it seems to be quite forgotten

that the accusation scandalizes the whole English population in India. Though the readers of the leading Indian journals are numerically small, compared with those of the European press, the circle is a refined and highly educated one; the editor may hope to "fit audience find, though few;" and it stands to reason that if he could stoop to the debasement of writing pruriently or maliciously, he would speedily lose the whole, or nearly the whole, of his subscribers.

The press must be restored to its former freedom. It not only offers the fairest hope of regenerating India, but it is the only engine by which the evils of a despotism can be mitigated; it is the best gauge for the discovery of peril; it is the safest outlet for discontent, which, but for the opportunity of harmlessly dissipating its fumes, might concentrate itself in most alarming force. It is what "Indophilus" calls it, "a moral, preventive police;" and it may be most truly said that there is not a reform lately introduced into India which has not been forced upon the Government by the advocacy of the press. I think—though the expediency of a censorship for that branch is debateable—that the vernacular press should be put upon the same footing as the English, not from any notions of equality, but on account of the utter futility of seeking to prevent the circulation of objectionable matter by its suppression. And the restriction upon servants of Government addressing the papers in self-defence must be withdrawn. Of course, men of all classes, civilian and military, do address the papers as it is. They know that their confidence will be scrupulously respected; and much valuable information, and not a few able leading articles, flow from their pens. But explanation would come with far more telling effect from the individual whose conduct had been impugned, than through the vicarious pen of the editor; and the free discussions which would ensue on many subjects of public interest and importance would be such as those of yore, the bare recollection of which warms up the spirit of "Indophilus," who starts at it like an old warsteed crying, "Ha, ha;" to the trumpets. On this suicidal policy of the Indian Government depriving itself of its most valuable and powerful defence, the remarks of the "Times" are so apposite that they deserve to be quoted:—

"The press, like other British institutions, found an establish-

ment in India, and for a certain period worked very serviceably. In an evil moment, however, and by an unhappy thought, a notification was issued, of which the effect was to debar from any participation in public writing the whole of that numerous and able class through whose immediate instrumentality the Government of India was conducted. No person connected with the Government—in other words, none of the many thousand servants of the Company—could carry either his information or his talents to the work of newspaper discussion, and the consequence was that, except for such evasions of the rule as were unavoidable, the Indian press fell entirely into the hands of a class numerically inferior, inimical to the ruling powers by the very force of its position, and necessarily, in comparison with Government officers, but imperfectly informed. Never could a policy have been more disastrous. Government was deliberately placing itself and its acts at the greatest possible disadvantage. It was proscribing its own advocates and silencing its own counsel. The proceeding represented a complete inversion of the policy pursued in some absolute states. Instead of attempting to inspire or control the press for its own benefit, the Indian government actually made it over to its opponents for their exclusive use; while men who could have set the administration on its legs in a moment, corrected errors, and diffused accurate knowledge, were restrained by the enactments of their own caste from taking up a pen. It is really impossible to exaggerate the proportions of this monstrous blunder. Half the value, and perhaps more than half the influence, of the English press is due to that universal practice of correspondence, which literally brings a vast portion of the British nation into co-operation with the 'Times.' Our columns are powerful, as expressing not merely what we think, but what everybody thinks. There is not a public question started on which we do not receive, either for publication or otherwise—either for the instruction of the country or our own information—communications of the most varied and authentic character. Our readers little dream of the very high authority occasionally attaching, under some unobtrusive signature, to the correspondence we place before them; and it is by means of these aids—by this remarkable association of knowledge and opinions—that truth is brought to light. In our pages everybody finds a

hearing and every policy an expression, until at last the public discovers itself in possession of an unexceptionable result. This might have been the case in India even in a more striking degree, for public writing is there such a propensity, either of the profession or the place, that every Indian officer would sit down to an article or a letter as the most natural employment in the world—indeed, the only difficulty is to get them to stop. If this communicative disposition were but judiciously encouraged, what chance could any factious or wanton opponents of the Government preserve in the face of such able, such well-informed, and such indefatigable writers? Little, indeed; whereas, by foolishly thinking to ignore an irrepressible power, the Indian administration left to the use of its antagonists an agency which it might have employed for its own defence and the unquestionable benefit of the country at large."

The archives of Government should be made far more accessible to the public. There are, of course, topics on which secrecy is indispensable; but the general run of business is now involved in a degree of mystery and secrecy which its authors may possibly mistake for state-craft, but which in reality is not only detrimental to the public good, but a mere childish playing at Government.* There has been an "editor's room" established. Lord Harris, before he was Civilianised, set the example; and for a time many valuable papers were laid upon the editor's table. That was in the days when the liberal Mr. Bourdillon was secretary; but gradually the boon has shrunk and shrunk, till it is dwarfed and dwindled into a mere sham, and it depends upon the idiosyncrasy of the secretary for the time being, what kind of *pabulum* shall be spread upon the editor's table.

> "Heus! etiam mensas consumimus, inquit Iulus
> Nec plura."

First the military intelligence was withdrawn; then one thing and then another, until a few season reports, recording the fall of rain and the price of grain in the various districts and the like, form the staple food. Ill-disposed persons sneer at the display, as

* As to the absolute necessity of a free press in India, note the number of instances now constantly occurring in which the several Governments in their published proceedings call upon an officer for an explanation of his conduct, concerning which a representation is said to have appeared in such and such a paper.

a fair average sample of Government work. Be that as it may, the feast of reason is at present of a very Barmecidal quality indeed.

But it would be a grave mistake to suppose that the East India Company does not very largely avail itself of the offices of the press. There is no public body which more systematically works this formidable engine: a staff of admirable writers is kept in pay at the India House; a clever panegyric on the Company's government is a passport to the "loaves and fishes" of official employ.

"Allen's India Mail" is notoriously an India House journal. Puffing articles can be foisted upon the public. I need only instance some which have appeared in the "Edinburgh Review," from the pen of a Madras civilian whose style is familiar to me, and the article entitled "The Company's Raj," in "Blackwood." Whenever a crisis threatens the existence of the Court of Directors, they can find pamphleteers in abundance; the exquisite art and tact of a Kaye can lead captive the public by cataloguing all the Company's virtues and the evils of native rule, the excellences of the latter and the shortcomings of the former being systematically excluded, unless, indeed, the long eulogium be rendered all the more seeming-candid by the occasional interspersion of faint blame. The logic of a Mill, and, I may add, the sophistry, too, is available for argument. The experience of a Melville can draw up a memorial which every East India Director characterizes as the most remarkable state paper that ever emanated from a public office. A daily paper can be persuaded to turn right round upon itself; writers, who would be powerful if they were only better instructed in their subject, appeal to the public every Saturday in a most sparkling journal. The "Calcutta Review" is notoriously the refuge of the civilian who seeks a safe delivery of matter which he has been incubating for months, I might say, for years; since an article has just appeared in its pages from the pen of a Madras civilian, the aim of which is to show that the "Torture Report" is unsupported by the evidence, inconclusive, and, in fact, untrue! But the use which the Court of Directors make of the press requires no further proof than their conduct in England at the present moment; they are renewing precisely the tactics which contemporary history tells us they so powerfully employed to oppose Fox's India Bill. They

work the press unmistakeably; and wise they are in doing so; only let them not, at the same time, cry out they are a Government whose acts and motives are misunderstood, because misrepresented.

When the liberty of the press is restored, there need be no recognized Government organ. With liberty to the servants of Government to contribute to the press, with a liberal communication of state papers, and a courteous explanation of doubtful information, supplied to the press *ex-parte*, (as to which an editor might wish to hear the other side before writing,) would prevent the appearance of unauthentic intelligence, supply the press with ample materials for discussing, exclusively, public questions, lead to a friendly feeling between the Government and the press, save what Mr. Mead infelicitously calls the necessity of abuse, raise the character of Indian journalism, diffuse valuable information among the people in India and in England, give the most effective and immediate power of check to malignant or injudicious reports, and render harmless the alleged "right or wrong" propensity to attack the powers that be. The effect of an avowed Government organ has already been once tried; "Indophilus" has told us the result.* The "Friend of India" was, for many years, the well-known, semi-official channel of Government policy and explanation. It was favoured with exclusive information, and had access to papers which were not before the rest of the press. Nor do I see any harm that can arise from the Government thus selecting the most influential journal of the Presidency for any explanation or denial which it may, from time to time, desire to offer, so long as there is no avowed connection between it and the journal. In the Presidency of Madras, where all the collectorates are being furnished with printing presses, official gazettes are coming into vogue, for the purpose of notifying district appointments, circular orders, and the like. In Salem, the decisions of the courts and like items of news are given. In Ganjam, the collector-editor wrote leading articles in his "Gazette," and that so freely, as to call forth the remark of Government, and induce him to change the name of his journal. These local Government journals may be

* See Lord Auckland's Minute on constituting a Government organ.

rendered influential organs, and give the Government a vast advantage and power; they may counter-balance the tendencies of the vernacular press. We have, too, a widely circulated paper published in the Tamil and Telugu language, edited by the Rev. Mr. Perceval, the secretary to the University; and it is intended to publish it in Canarese and Malialum. The circulation is already 1,000, which does not represent its influence, as single copies circulate through whole villages.* It receives pecuniary support, I believe, from the Government, and is sure to advocate Government views, seeing that it is edited by a Government official. I believe it is a most useful undertaking, and very well conducted. Thus, the Madras Government, even as matters stand now, is far from being unrepresented; and I am quite certain that, if the old jealousy of the entire press be abandoned, and a totally opposite policy inaugurated, Government cannot fail to be the gainer by the bargain. In almost every case that I remember, explanation has been to its advantage. It complains that the press writer acts on half truths; why not supply the other half, now so carefully kept under the secretariat lock and key? Thus, the Government would have the benefit of hearing questions discussed in every possible aspect, instead of deciding upon arguments emanating even from one and the same point, while publicity could not but enhance the credit of a Government, whose boast is that their intentions are good.

* "Report on Public Instruction in the Madras Presidency, for 1856," par. 65.

CHAPTER XII.

Topic 20th.

XX. Should our future policy in India be retrogressive, stationary, or progressive? And, herein, of stoppage of Public Works; demeanour towards the natives. Education. Proselytism.

"India for England" seems to be the general cry that has arisen from the rebellion. It is, no doubt, an advance upon the cry "India for the East India Company," which, for nearly two centuries, has been the watchword of those to whom the Government of the country has been committed. Only the few who reflect and look far ahead raise the cry "India for India;" and as yet their voices are comparatively little heard. Whether the Directors have or not looked upon India as a pocket borough or home preserve, exclusively for the fortunes of their own relatives, friends, and dependents, or whether they have exercised their patronage upon a totally different principle from that of selfishness, and have been really guided in their selection and appointment of writers and cadets by any consideration of the claims of "the middle classes," as a body, to participate in the splendid provision which India afforded to their *employés*, I have already considered. But I conceive that would be a most lamentable and impotent conclusion if the lesson we are taught by recent events is, that although we may abolish the Company, India is still to be regarded as a place whereto our superfluous educated classes may be sent to acquire a competency, and our merchants to amass fortune; instead of our reading aright the true moral of the tale, namely, that henceforth we must fulfil the duties of our situation as Governors, as well as exact our rights; and that though handsome provision must unquestionably be found for the numbers of Englishmen who will be employed in the task of governing India, yet that the good of the people of India and

not that of ourselves must be the primary aim and object of our administration. The difference is precisely illustrated by the respective minutes of Mr. Barlow and Sir William Jones. "The two principal objects," wrote the former, "which the Government ought to have in view in all its arrangements are, to ensure its political safety, and to render the possession of the country advantageous to the East India Company and the British nation." The latter ran his pen through the three first words and substituted "two of the principal;" adding, in a note, "surely the *principal* object of every Government is the happiness of the governed." We cannot have too clear a conception of the only policy compatible with our real interest, that of the honest discharge of the duties which we have accepted by our assumption of the Government, which are, at least, as important as its profits. One motto should be ever before our eyes—*respice finem.* We should never lose sight of the possible termination of our rule here. Munro has most admirably stated the exact truth. "There are," he writes, "*two* important points which should always be kept in view in our administration of affairs. The first is, that our sovereignty should be prolonged to the remotest possible period; the second, that whenever we are obliged to resign it, we should leave the natives so far improved from their connexion with us, as to be capable of maintaining a free, or, at least, a regular Government among themselves."

The only question really is, how the continuance of our Government may be prolonged to the remotest possible period. Munro answers the question by showing what his opinion was, namely, by educating and enlightening the people: for when we leave them, the result of our presence is to be shown by their capability of self-government. There are those who dream that the permanence of our dominion may be only or best secured by keeping the people in a state of brute ignorance, and governing not through their affection, but by the strong hand, a policy which I believe would precipitate our ruin. Munro thus nobly enunciates the solemn truth:—"There is one great question," he writes, "to which we should look in all our arrangements—What is to be their final result on the character of the people? Is it to be raised, or is it to be lowered? Are we to be satisfied

with merely securing our power and protecting the inhabitants, leaving them to sink gradually in character lower than at present; or are we to endeavour to raise their character? It ought, undoubtedly, to be our aim to raise the minds of the natives, and to take care that whenever our connexion with India ceases, it did not appear that the only fruit of our dominion had been, to leave the people more abject and less able to govern themselves than when we found them. It would certainly be more desirable that we should be expelled from the country altogether, than that the result of our system of government should be such an abasement of a whole people." He points out the true course of Government in the same minute. "By mild and equitable government; by promoting the dissemination of useful books among the natives, without attacking their religion; by protecting their own numerous schools; by encouraging, by honorary or pecuniary marks of distinction, those where the best system of education prevails; by occasional allowance from the public revenue to such as stand in need of this aid; and above all, by making it worth the while of the natives to cultivate their minds by giving them a greater share in the civil administration of the country, and holding out the prospect of filling places of rank and emolument, as inducements to the attainment of knowledge, we shall, by degrees, banish superstition and introduce among the natives of India all the enlightened opinions and doctrines which prevail in our own country."

Three years ago I expressed a similar conviction. I then wrote:—"Our empire is based upon their forbearance; but how much longer such a state of forbearance can be calculated upon is another matter. The schoolmaster is abroad. The spirit of education is awakened, and although some English statesmen have declared that policy should make us stand still or retrograde, on the ground that extended knowledge is incompatible with our continued rule in India, I tell them that it is now too late to seek to stop or check the onward progress of that great movement. The illustration of Canute commanding the waves was aptly used; and I would add another; the futile Bull which, when Galileo propounded the Copernican theory, decreed the stability and immobility of the earth.

"Nay, such policy would precipitate the very event it is

designed to prevent; for we have hitherto only given the natives such a modicum of instruction as suffices to make them discontented subjects, and fond of declaiming on liberty and equality according to their crude notions, only to be corrected by that advanced cultivation which will teach them the benefits they derive from our rule, and cause them to become, upon conviction, really well-affected loyal subjects of the empire. But whether we are here by a special Providence, as some among ourselves assume; or, as our enemies say, by that insatiable spirit of aggrandizement, whose avenging Nemesis seems ever to dog the footsteps of the conqueror, impelling or compelling him to add territory unto territory, and dominion to dominion, until, at length, he perishes from the very weakness inherent in the immensity of his possessions: our mission in India is, I take it, far other than to hold this country as long as possible, during which to screw the greatest possible amount of rupees out of the wretched peasantry, who are to be kept in a state of brutal degradation in order that they may remain blinded to their own power. If we have accepted the profits and the pleasures of Government, unquestionably we have also accepted its duties and responsibilities, chief among which I reckon that of elevating the millions in moral and social rank. The issue is with Providence; but, whatever that shall be, the path of our duty lies before us, broad, and clear, and straightforward. We cannot swerve from it to the right hand or to the left without subjecting ourselves, sooner or later, to time's revenges; and if we educate the people, as we must, the very fables of our childhood should suffice to teach us the impolicy of making them acquainted with their own power, unless, at the same time, we redress their grievances. If not, assuredly, with a consciousness of power will arise the wish and determination to revenge their own injuries, and woe be to us in India if ever the natives should take the law into their own hands. Our mission here really is to teach the natives to govern themselves, and whether that shall be sooner or later, our policy, I take it—to put it upon no nobler motive—is so to manage the interim, that when the separation takes place it may leave upon the minds and recollections of the respective parties a sense of obligations and benefits conferred on the one hand, and of duty performed upon the other."

For asserting this principle I was sneered at as a visionary, a writer of balderdash, and of course an interested ignorant party-spirited aggressor, by an India House critic, in "Allen's India Mail." It is, at any rate, consolatory to share one's error with men of acknowledged authority, and I reflect with satisfaction on the passage quoted from Munro. To this I would add the following; I find Munro writing thus,—"If we are desirous of raising in their minds that proper independence which results from living under a well-regulated Government, and of rendering them fit to take a share in it, and even at some future period to govern themselves, we have not, I fear, taken the steps most likely to conduct us to this object."

Lord Metcalfe also evidently contemplated a possible termination of our rule; but he went further; he argued that even if that should be the necessary result of the policy of progress, our duty left us no option or alternative. Listen to his noble language,—"If their argument be that the spread of knowledge may eventually be fatal to our rule in India, I close with them on that point, and maintain that, whatever may be the consequence, it is our duty to communicate the benefits of knowledge. If India could only be preserved as a part of the British Empire, by keeping its inhabitants in a state of ignorance, our domination would be a curse to the country, and ought to cease.

"But I see more ground for just apprehension in ignorance itself. I look to the increase of knowledge, with a hope that it may strengthen our empire; that it may remove prejudices, soften asperities, and substitute a rational conviction of the benefits of our Government, that may unite the people and their rulers in sympathy, and that the differences which separate them may be gradually lessened, and ultimately annihilated. Whatever, however, be the will of Almighty Providence, respecting the future Government of India, it is clearly our duty, as long as the charge be confided to our hands, to execute the trust to the best of our ability for the good of the people. The promotion of knowledge is, manifestly, an essential part of that duty."

"I conceive," says Sir Charles Trevelyan,* "that in determining upon a line of policy, we must look to the probable

* Report, House of Lords, Q. 6719; see also *ib.* 6620-21, Q. 6786, Q. 6746-8.

eventualities. We must have present to our minds what will be the result of each line of policy. Now, my belief is, that the ultimate result of the policy of improving and educating India will be to postpone the separation for a long indefinite period, and that when it does come, it will take place under circumstances very happy for both parties. Whereas I conceive the result of the opposite policy, of holding and governing India for the benefit of the civilians and the military men employed there, or according to any view less liberal than that of doing the utmost justice we can to India, may lead to a separation at any time, and must lead to it at a much earlier period, and under much more disadvantageous circumstances, than would be the result if we take the opposite course."

Mr. Halliday,* the late Governor of Bengal, says—

"I go the full length of saying that I believe our mission in India is to qualify them for governing themselves; I say also, that the measures of the Government for a number of years past have been advisedly directed to so qualifying them, without the slightest reference to any remote consequences upon our administration."

The Duke of Argyle goes farther still. Speaking in the Lords on the 11th of February last, he says that our Empire "will never cease until one of two events happened,—either until we had declined from the valour and virtue of those who founded that Empire, or else—and *might God speed the time*—we should have raised the people of India more nearly to a level with ourselves;" and his sentiment was received with cheers.

This subject has acquired, if possible, fresh interest and importance from recent events. The rebellion, as was to be expected, has raised a cry from the shallow and the timid against the causes of progress and education. The policy of retrogression is only too well suited to the interests of those who cling fondly to the retention of exclusive power. It is to this policy alone that they can look for the maintenance of their privileges, and their continuance in the monopoly of administration. "Gag the press," "stop public works," "all India must be governed as one Empire," were the first manifestations of the policy of

* First Report House of Commons' Committee, Q. 2076.

retrogression; and districts not touched by the rebellion, and with increasing revenues, must have the same measure dealt to them as is dealt to the rebellious provinces. "Down with education," followed next. It appeared in Roman capitals at the head of a letter in one of the leading journals of the Madras Presidency. We are told that our form of Government must, for years to come, assume a sterner aspect; we must rule by the power of the sword. The natives, as a general rule, are to be less trusted; they must be made to feel that we are the dominant power, and they a conquered and inferior race. Our administration must be more despotic; our counsels more secret: the publication of Government records was a mistake; it must be withdrawn from. Such are the dogmas that now everywhere assail one. Proofs, such as they are, are not wanting. The ridiculous proclamation of Nana Sahib, is vouched as proof of the danger of education. Nana Sahib has an article given to him in the "Times." He is a specimen of an educated native. He is a fearful prodigy,—the result of our teaching. He is the representative of "Young Bengal!" Now he happens to be an *uneducated* native. His proclamation, cunningly framed as it was to deceive the childish ignorant sepoys, with its story of the Pasha of Egypt destroying the ships of the English, and the Governor-General beating his head, is another proof of the necessity of progress. Had the sepoys been "educated" in the real power of England, this proclamation must have fallen a dead letter upon them. It is a most curious fact, as I have already had occasion to point out, that our safety in India is mainly owing to the accident of two educated men being at the head of affairs in Nepaul and Hyderabad. Ignorance is our greatest enemy in India. I hold that the retrogressive and the stationary policy are alike impossible. Our safety lies in the onward road of progress. We may educate the natives with perfect security to our rule, if we will follow out the consequences of such education, by gradually advancing them, as they are qualified, to situations of trust, emolument, and honour. I cannot conceive how those who so steadfastly assert that the present outbreak is purely a military mutiny, and that too of only a portion of our Indian army, that the princes generally have shewn themselves faithful, and that the people have stood aloof and taken no part in the

insurrection, can, with the same breath, urge this very mutiny against the great body of the natives, as a proof of their diabolical cruelty of nature, their unfitness for places of trust, the necessity of ruling them with a rod of iron, and the like! Having acquitted the *people* of all complicity in the "mutiny," with what face can any one ask for the institution of a policy, which nothing short of general rebellion could justify?

After peace and order shall have been restored, I hold that though in all military affairs we must unmistakeably assert and convince the natives of our superiority, yet that there should be no domination of the European over the Hindoo as a class; and that we should continue, just as heretofore, only in an increased degree, to endeavour to fit the native for civil administration, and let him feel well assured that his success in life depends on his own exertions; then progress and equality may be our watchwords.

Then, too, I think that we may well adopt a more polite conciliatory tone towards the natives at large, than has been the fashion of late years; a particular in which we have been gradually departing more and more widely from the practice of our predecessors.

Mr. Ludlow thus expresses himself on the topic:—*

"I am sure that the tone of the oldest Indian officers and servants whom I know, in speaking of the natives, is far more manly and noble, because far less hard and contemptuous, than that of the younger ones. I never knew one to give vent, for instance, to the insolent Yankeeism of "niggers," as applied to the natives of India. And I believe that this great trial which we are now passing through, has its main source in the want of fellow-feeling between Europeans and natives in India, arising, on our part, from that forgetfulness of responsibility which always accompanies an overweening sense of power. If its result be once more to humble us in our own sight, we shall once more be exalted in that of the natives."

Mr. Robinson's testimony† is to the same effect. It is as follows:—

"Do you think that the tendency, generally speaking, of the

* "British India," Vol. i. p. 207.

† House of Commons' Committee, 13th June, 1853, Q. 6348.

gentlemen of the Civil Service of India, is to be unkind, and harsh, and cruel towards the natives?—I think the tendency is certainly to be harsher, unkinder, and less conciliating than it used to be when I first went into the country."*

Many military officers have spoken to the same effect; and I must bear my testimony to the prevalence of a nasty supercilious bearing of the younger members of the European community, towards the natives. It is as though one should say:

"Hic *niger*† est; hunc, tu, *Romane*, caveto."

Nor is this bearing altogether confined to individuals. I cannot approve of the tone adopted by the Government, towards such of the natives as attempt to represent what they consider grievances or defects, admitting of remedy, or calling for reform. If an association is formed for the purpose of obtaining political audience, the tactics of all officials are instantly brought into play to decry and run it down. I do not mean to say that those Native Associations at the various Presidencies can be relied on, as representing the feelings or the social condition of the natives in the interior. It is chiefly at the Presidencies that education has commenced its work of regeneration. Hence the Presidency natives are far in intellectual advance of their Mofussil brethren, but we should not ignore the fact that they *do* represent the most advanced native opinion. It is wiser to act upon this knowledge, than to seek to prove that they are a set of shallow impostors.

* *Ib.* Q. 6374-82; *ib.* Q. 6417-18; *ib.* Q. 6441-7.

He says—(Q. 6417.) "You have stated to the Committee that it is your opinion that in the last fifteen years, the kindly feeling on the part of the Civil Service towards the natives, has been diminishing; will you state to what you attribute that diminution of kindly feeling?

A. "It is a subject on which I have thought much, and I cannot quite satisfactorily make it out to myself. I think one cause is that we do not depend upon the natives; we are no longer in so much want of the help of the natives as we used to be. When I first went to the North-West Provinces the country was unsettled; we used then to be obliged to count upon the powerful zemindars, and the natives of rank, to help us keep the country quiet; but now that necessity has ceased; that, I think, is one reason."

Q. 6418. "Do you attribute this diminution of kindly feeling to the Civil Service generally, or to any particular rank or class of the Civil Service?

A. "To the Civil Service generally, I think."

† "Nigger" is indeed a common enough appellation in the mouths of many who should know better. See, also, Mr. Robertson's Pamphlet, "The Political Prospects of British India," p. 67.

Yet, at Calcutta, the sneer of "Young Bengal" is proverbial. The respectable Native Association at Bombay, which, if money be a criterion of respectability and earnestness, subscribed thirty thousand rupees for its objects at a single meeting, and which has presented most temperate petitions to Parliament, was sought to be lowered in the eyes of the Lords' Committee by Mr. Willoughby, who produced page after page of pamphlets by Mr. Manockjee Cursetjee, well remembered in England as the Byron of the East, and for his piracy of Lord Stanley's verses. Their petition was declared to have been prepared by Europeans, though Sir Erskine Perry, well acquainted with the facts, told the Committee that it was the work of the natives themselves; and I am quite sure the natives of Bombay are equal to the task. So the Madras petition was declared to have been principally prepared in London! which I know to be entirely untrue. The Madras Association, Sir Henry Pottinger wrote to Sir Charles Wood, was a hole-and-corner affair. No one knew anything about them. The Governor, in making this statement, forgot that the meeting at which this Association was formed, was a *public meeting convened by the Sheriff*; and one of the tasks submitted to the Torture Commission was, to inquire whether the Association fairly represented the inhabitants of the Presidency. The Commissioners made a separate report in the affirmative. Neither, I think, is the tone in which their communications is replied to, worthy of a great Government, or even of a courteous body of gentlemen. I would refer, for instance, to Mr. Secretary Buckley's letter to the natives, who memorialized against the passing of the distasteful Act xx of 1850, by which a native has a right to inherit with his unconverted family. Sir H. Maddock, in his minute upon this subject, expressly says that "the tone of this reply is not exactly that which the Government of India should assume." I would also refer to the minutes of the Madras Government, No. 79, dated 22nd January, 1847, and No. 3, of 23rd March, 1847, in reply to letters from the chairman of a meeting of the Hindoo community, on the subject of certain steps which caused great commotion at the time, and which the natives regarded as directly aiming at proselytism.*

* These documents will be found in appendix to memorial forwarded by a large body of the Hindoo community of Madras to the Court of Directors, under date May, 1847.

There are other topics on which the policy of retrogression has prevailed; I trust only for a season. These are the press gagging, and the stoppage of the public works.

I can scarcely imagine any more injudicious act than that whereby the whole public works were instantaneously and indiscriminately put a stop to. By this measure, all the skilled labour, which it had taken years to create, was dissipated; in a day, twenty thousand labourers were dismissed in Rajahmundry district alone, and in the Presidency of Madras three hundred thousand men were thus suddenly thrown upon the world, without means or employment, at a time when we should only have been too glad to have kept so formidable a body from the temptation of crime, by finding them work and wages; men who were sure, too, to create, wherever they went, by their reports, the most erroneous impressions as to the bankruptcy and approaching ruin of the British Raj; on the successful prosecution of these works depends the future welfare of the Madras Presidency; and though, no doubt, the prospect of financial difficulties was looming large enough in Bengal, surely as much tenderness as possible should have been extended to the Presidency of Madras, where so much was at stake upon the works everywhere in progress. But the orders were peremptory and indiscriminating; no sparing and judicious retrenchment was attempted. As the works and materials stood, so they were abandoned; and the loss from the rapid deterioration of materials in this climate must be immense, to say nothing of the dispersion of the labour which our engineers had trained with so much skill and patience. I have myself seen bricks and other materials perishing by the road side in the districts I have passed through. A blight seems to have settled in the land; and this measure I regard as another instance of the readiness with which the retrogressive policy is seized by those in authority at the head of affairs.

As to the stoppage of the freedom of the press, I have already said enough.

Education must be pushed forward systematically and universally; for ignorance is our worst foe. What an interval has the human mind passed across between the two following sentiments:

In 1671, Sir W. Berkley, Governor of Virginia, wrote as follows:—"I thank God we have not free schools nor printing,

and I hope we shall not have these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the Government. God preserve us from both." Contrast this with Lord Brougham's opening address at the meeting of the Society for promoting Social Philosophy, especially with the following portion of it:—"Knowledge thus diffused, but especially knowledge of social interests and rights and duties, even more than the firm and temperate distribution of justice itself, possesses the great, the cardinal virtue of insuring the stability of the social system. It is, to use the language of the day, in the very greatest degree conservative, and in the highest sense of the phrase. But this diffusion has another and most happy tendency,—it leads to the improvement of the system, because it inspires all classes with the desire of promoting measures shown to be safe as well as effectual—in a word, wholesome reforms. Nor can anything be more groundless than the fears of progress entertained by some, affected by more. It is, in truth, ignorance continued, not knowledge advanced, which they have to fear,—nay, which, when we come to an explanation with them, they really do fear."

As we live in days when these latter principles are all but universally acknowledged, it behoves us to act honestly up to them, and the systematized liberal spread of education must be regarded as one of the chief functions of our Government. Into the vast question of Education it is not my intention now to enter. That the results have been highly satisfactory in the Madras Presidency, both as regards the elevation of the students' morals, and as regards their temporal welfare, cannot, I think, be disputed. In the Appendix B, I have inserted two documents, the first of which exhibits the employment of the "proficients" of the High School; the second gives a brief account of our great Native Seminary, and exhibits some of the results upon the worldly prospects of the *élèves*. I have never heard of an instance in which any of these young men have fallen away from the paths of honesty; the career of some of them has been noble; that of one of them, illustrious—I speak of Madava Row, whose merits cannot be too extensively known. His history is thus sketched by the affectionate hand of one of his own royal pupils:—"T. Madava Row, authorised by a commission of His Highness,

the Maha Rajah, has taken charge of the administration of Travancore. A wiser, nobler, and more satisfactory selection was never made. A sovereign proves himself in the choice of his minister. It is no wonder that a constitutional monarch, impelled by the mighty public voice, nominates a worthy man his minister. In regard to a Hindoo prince, the case stands quite differently. The Rajah, in consequence, is entitled to the sincere thanks of his subjects, and the praise of all those who are endowed with a right judgment.

"Madava Row, the most talented, distinguished, and successful scholar of the Madras High School, was invited by the Rajah, through the Resident, to come to Travancore and educate his nephews; and accordingly in July, 1849, he arrived at Trevandrum. He was nominated, under the salary of 200 rupees per mensem, to assume the tutorial management of the princes. This extremely delicate and responsible task he accomplished with the greatest skill; and his success, as admitted by all, exceeded the most ardent expectations. For the space of nearly four years, he was in this capacity; and in June, 1853, he was made Deputy Peishcar, with a monthly allowance of 300 rupees. In this position, he could not render any great service to the State, as all material powers were withheld from him by jealous superiors. In the meantime, whatever public measure passed through him, received the stamp of his foresight and liberality of mind. Moreover, from the time of his first entering the Rajah's service, he conducted the Rajah's private correspondence, and how he did it, the Rajah well knows. In February, 1855, he was promoted to the post of Dewan Peishcar, and 600 rupees constituted his monthly allowance. In May, of the same year, he took leave for four months, performed the nuptials of his daughters at Combaconum, thence paid a visit to Madras, and on the 1st September, reached Trevandrum. Soon after his arrival, he proposed to the Rajah, as well as to the Resident, that a division would facilitate and improve the administration. The suggestion was taken with much avidity on the part of the Resident, and the Rajah fully agreed to it.

"Accordingly, a partition was made between the Dewan and the Dewan Peishcars, Madava Row, and Ramen Manone; Madava Row's division comprising five districts. How each of these ma-

naged his part is sufficiently known. Though the districts delivered to Madava Row, contained the most turbulent race of men in Travancore, though they were parched and famine-stricken through successive failures of the monsoon, though they were thickly interspersed by fierce dacoits, though they formed the high road for the contraband trade of tobacco, yet, in a short year, beginning from January, 1856, they improved in their physical and social features, irrigation works being carried on on a large scale, corruption and violence being suppressed, and crimes of all natures being crushed; scarcely a just grievance reached him, which did not speedily receive that relief which was in his power to give. All the notorious robbers and criminals who had hitherto eluded detection were apprehended. The revenue in salt and other items were more than trebled. In fact, Madava Row's division furnished a worthy model to the others. The unanimous opinion of the honest and unbiassed missionaries has testified to the excellence of Madava Row's administration. Many of the points abovementioned are patent to the public; but a more latent fact evinces a quality in Madava Row which all true statesmen possess. During his nearly two years' stay in Southern Travancore, he has visited almost every part of his districts, and he has made himself so familiar with all the places, that he can puzzle any practical tradesman or farmer, by questioning the localities of rivers, hills, lakes, dams, roads. He is well acquainted with the nature, position, capabilities, and resources of all the parts of the country under his jurisdiction. In his rambles, his great aim has been to nurture familiarity with the peasantry, the source whence true information respecting the condition of the masses may be elicited. His naturally unostentatious manners, which, in every circle, have always been a prominent embellishment of his sound ability and unflinching virtue, facilitated the gaining of this point.

"When the Dewan died, on the 26th ultimo, the Rajah, after a consultation with the Resident, who strongly persuaded him to entrust Madava Row with the administration, wrote post haste to the Dewan Peishcar, to come down from his station in the South. On the morning of the 28th he arrived at Trevandrum, and in the afternoon received the commission from the Rajah's gracious hands. He still continues to hold the same title and emolument as before. He expects the full support of the Rajah and the

Resident, for whose indulgence and patronage hitherto experienced he cannot be grateful enough. His past has been very brilliant, and we hope his future will be much more so. He may meet with impediments in his virtuous and conscientious course, but the strength of will which he possesses, and the peculiar fortune which has hitherto attended him, will remove them, and enable him to outshine any minister who ever served a native prince, and conduced to the honour, dignity, and fame of his Court, and the general prosperity of his realm. In conclusion, I have to congratulate Travancore most sincerely in being blessed with one like Madava Row, to hold the reins of her Government, and trust that posterity will find those pages of her history the brightest which are devoted to his administration."

Such is the result of the secular education at present afforded in the Government Schools.

There is, however, one topic, connected with education, of the most vital importance; I allude to the question, What is to be the future attitude of the Government with reference to inculcating the doctrines of Christianity?

This subject requires far broader treatment than I originally gave it in any former work. I confess that the idea that missionary efforts had anything to do with the causes of the rebellion, struck me as too puerile to require an answer. I could not understand, indeed, the justice of Lord Ellenborough's attack on Lord Canning, for having subscribed to missionary charities, even if he had done so. I am not aware how the fact stands, but I think it may safely be assumed that any subscriptions which Lord Canning made were in his private individual capacity, and not as Governor-General. I do not for one moment believe that such subscriptions would excite any attention whatsoever. So far from the missionaries being regarded with suspicion, I believe that they are everywhere received with favour, rather than indifference. Their schools are fully attended. The natives know their avowed purpose; and still send their children to the missionaries' seminaries, for the sake of the secular education there imparted. Occasionally, it is true, an effervescence is excited when a conversion takes place. For a time the schools are deserted; but the pupils soon flock back again. I have met missionaries at work, of various denominations, nations, and

persuasions, in different parts of the interior, and I can bear testimony to the reception which they meet among the people. In Tanjore, the memory of Schwartz is still fresh; and the chapel he built stands within the rajah's fort, in the middle of the native population. We know with what a liberal spirit that good man was treated by the former rajah; nor are other instances wanting of missionaries being held in high estimation by native sovereigns. For my own part, I believe that if ever Christianity is to overshadow this land, it will be mainly owing to the conscientious perseverance of the missionaries, aided, no doubt, by that secular education which the Government provides, and which, in the language of Dr. Duff,* "undoubtedly tears up Hindooism by the roots."

Our true policy is to let well alone, or rather to aid to the extreme limit of our means in assisting missionary labours. But on this, as on almost all Indian topics, there exists the greatest possible diversity of opinion. If, on the one hand, there are those who attribute the rebellion to a sudden panic among the sepoys, lest their religion was to be forcibly changed, and who look upon all missionary labours as a political mistake; on the other hand, a far more powerful body strenuously accuses the East India Company of a "negation of Christianity." This is the class which dares

> "With rash surmise,
> To point the judgment of the skies."

which settles authoritatively that "God hath entered into a controversy with us," for our national sin; that this is a national judgment, and that henceforth Christianity must assume a bolder attitude in India, though we are not yet distinctly informed what that attitude is to be. The sermons, as a collection, preached on the Day of Humiliation, are to my mind marvellous productions. One reverend teacher stickles at the doctrine of special judgment in the cases of individuals, but holds an unquestioning belief in the doctrine of special national judgments. Cholera and the potato-rot may be accepted as manifest signs of divine wrath, though the fall of a chapel upon the congregation could be satisfactorily assigned to a faulty foundation, or flaw in the walls or roof, which caused the catastrophe; or, at most, lead to a reference

* House of Lords' Report, 11th September, 1853. Q. 4167.

to the tower of Siloam, or a quotation from "Horace,"—*Sæpe Diespiter*, &c. It is thus that the Church Missionary Society, that highly respectable body, settles the question:—

"The committee, therefore, at once take their stand upon the obvious and all-important truth, that God has a controversy with our land, and therefore has visited us with this judgment.

"This one consideration leads the thought of Christian people above questions respecting the alleged faults of Government, or mistakes of civil policy, or of the military department, to fix our contemplations upon our national responsibilities. The judgment is a national one, not only in the sense in which an insult to our flag or an outrage upon our territory may be so called, but because it has inflicted an outrage and insult unparalleled in our annals, upon our national honour in its tenderest point, namely, respect for our women and children."

Nay, they go farther; they proceed to assign the exact causes of Divine wrath. "The guilt of these neglected responsibilities must be divided between the Government of British India and the Christian churches of Great Britain. For a long period, the Indian authorities would allow no Christian missionary to reside within their territory. They compromised themselves with Hindooism, and the Mahommedan imposture; and this, under the profession of neutrality in respect of all religions. Of late years, this policy has been happily modified; connection with idolatry has been for the most part severed. Missions have been freely tolerated; but the Christian conversion of the natives has been discouraged, and the principle of neutrality is still professed. The Christian church shared in this guilt. For a long time she lifted up no protesting voice, and neglected the spiritual interests of India. She has awakened from her guilty lethargy; but has not risen to the occasion. It was, indeed, her voice which prevailed over an unwilling Government to open the door to missionaries, and to separate itself from many abominations; but she has not taken full advantage of the opportunities thus gained, but has halted in the subsequent discharge of her own appropriate duty."

To say nothing of the irreverence of such dogmatism, there are a few trifling difficulties in the theory which do not seem to have struck its propounders. Thus, it is not clear why the

punishment has been reserved for days when the moral state of European society presents so vast a contrast to the profligacy of the early Anglo-Indians. Why, if England is to blame, the people in India, and not in England, are singled out as victims? Why the infliction has fallen heaviest on that portion of India from which the Society draws annual subscriptions to the extent of ten thousand pounds; why the instruments of vengeance, the sepoys and other rebels, are so much the heavier sufferers of the two parties? But let all this pass. It is matter of speculative opinion. The fact is this, that the East India Company is at this instant sore beset on all sides; by Exeter Hall, the Church Missionary Association, and Mr. John Fryar Thomas; as well as by the Bishop of Oxford and Mr. Gladstone. Various specific instances are given of what is called "the traditionary policy," and certainly very *old* the instances are. In 1829 (really in 1819) says the Church Missionary manifesto, a Bengal sepoy was expelled at Meerut from the army, on account of his conversion to Christianity, and with a sort of poetical justice the fact is pointed out that the first blood was shed by the sepoys in 1857 at Meerut! Thus, in a pamphlet entitled "The connexion of the East India Company's Government with idolatry," we are told that "Lord Clive presented a jewel worth four hundred pounds to an idol," and that a collector, Mr. Place, authorized the natives to put up prayers for rain in their pagodas in seasons of drought. Salutes, we are told, used to be fired at Mahomedan festivals even on Sundays; that European soldiers had to parade at the pageantry of idolatrous processions; and that the Government itself "administered" the funds of idolatrous temples. This last charge, by the way, is not fairly stated, but what is the use of bringing forward such antiquated trash as events from the last century? unless, indeed, to get up a religious outcry, and so "improve" the rebellion for purposes of conversion. The writer of these things knows well enough that he cannot bring forward a single instance of such acts in modern days, or he would not be driven to Lord Clive and Mr. Place. If these things were sinful, we have long since abandoned them, and, let us hope, repented of them. Had it been shown that in the year of grace 1857 we were still pursuing an encouragement of idolatrous practices, there might have been some reasonable

ground for assuming that what has fallen upon us is the punishment of our sins in that respect. But I can vouch for the last fifteen years that none of the practices charged have been pursued; a fact which, I presume, must drive the supporters of the divine judgment theory to that jealousy which punishes the sins of the fathers upon the children unto the third and fourth generation.

Monstrous as these allegations are, they are nevertheless fraught with peril, because they will work upon that immense fund of superstitious ignorance, and blind unreasoning belief, as well as that sincere honest Christian spirit which fills England to the uttermost parts of its boundaries. Without pausing to inquire into the facts, the charges will be accepted as proved, and it is difficult to foresee what rash measures may be forced upon the Government of India. The plausible request that the Bible may be taught as a "class-book" in the Government schools is a mere quibble. I trust it may never be so degraded. I know how powerful an instrument this plan would prove in promoting the cunning and the interested, who would feign a reverence they did not feel, in order to secure the favour of the Government.*

* Listen to the evidence of Mr. Halliday (House of Commons Report, 25th July, 1853):—

Q. 8763. "Reference has been made before the Committee to a minute of Lord Tweeddale's, on the subject of introducing the Bible in the Government schools in Madras; what is your opinion as to the propriety of introducing the Bible as a class-book in the schools of the Government?

A. "There are two ways of introducing the Bible into schools. One is as a class-book, by which I understand a horn-book for teaching the language merely; that they should read out of that in preference to reading out of any other English book. Another way is, that they should read out of it intelligently, so as to inquire and be informed of the full meaning of it, which involves, of course, the whole teaching of Christianity; I cannot understand that there is any third way of introducing it. Either the Bible is to be read simply as a book for the teaching of English, or it is to be read as a means of acquiring knowledge of Christianity. If it be the first which is meant, so far as it can be considered entirely distinct and capable of being separated from the actual teaching of Christianity, I should object to it anywhere as a desecration. I do not think it is advisible that you should teach little boys to thumb the Bible in that way; they learn to look upon it in all after-life as an abomination, for which they were flogged and cuffed through their early years; and I think that that objection applies quite as much to Christian countries as to Heathen countries. But if it be intended to introduce the Bible as a class-book, which shall be read with a view to instruction in its doctrines, and that, in fact, it shall be the means of giving a

I have myself seen this attempt made, when Mr. Thomas was Chief Secretary; my connexion with the Government High School, of which I was five years a Governor, let me behind the scenes in all that long intrigue, which was defeated then, to be brought forward again, of course, on the first favourable opportunity; which the present, from the way in which it is snatched

knowledge of Christianity, I object to it as being in my judgment a wrong means to a most desirable end, I being most seriously and entirely satisfied that it is by the careful and systematic keeping out of the Government schools, and out of the Government practice, all forcible and influential attempts at conversion, that we stand where we stand, and that the natives are willing to receive missionary teaching and to hear missionaries, and that they do in fact evince that very tolerance which is now brought forward by zealous persons on that side of the question, as a reason for altering the system hitherto pursued by the Government. I believe the persons who talk in that way are utterly unaware of the hand which has put them where they are, and holds them where they are; I believe the very tolerance, or as they sometimes call it, indifference of the natives to missionary teaching, and the very reason why the missionaries go in perfect security, and teach and preach all over the country, without stint or limit, without the slightest interference, or even exciting the anger of the natives in any great degree, is that the natives are thoroughly persuaded, by a long course of observation of the conduct of the Government, that the whole thing is a matter of private exhortation and private influence; and that the force and influence of the Government, whether in the schools or out of the schools, is never intended to be applied to that purpose. But I have a very strong conviction that if any other course were pursued; if the Government, in the schools or out of the schools, were, by reason of the present quiet and apparent tolerance of the natives, to attempt to convert either by influence or by force, it might produce a very serious convulsion, which would throw the missionaries back a great number of years."

Q. 8764. "Should you think it objectionable that the Government should give permission to any class in the Government which wished it to use the Bible?

A. "The meaning of that always is, for I have seen it attempted to be introduced in a private school, about which there was a great deal of discussion, that if little boys from six to twelve years old, under the influence of the master, can be got to say they are willing to be taught Christianity, they ought to be taught it, without reference to the will of their parents. I look upon that to be the grossest bad faith. If you are to teach Christianity, let it be done, not only with the knowledge of the children, who are beside the question altogether, but also of their parents and the people of the country; but do not entice people into the school under the pretence of saying you will only teach them Christianity if those little boys wish it, which is nothing but saying that it shall be taught at the option and discretion of the master for the time being. If, however, it be added, 'and with the permission of their parents,' which is never added on this speculation, then I answer that the permission of only one set of parents, or even the majority of the parents belonging to one school, would not suffice. I do not think the permission even of the whole set of parents of one school ought to suffice, in a political view of the question, to induce the Government to alter its system. But if, which is a thing not to be looked forward to, the parents all over India were of that opinion, then the whole aspect of the question would be changed."

at, no doubt is thought to be. The question has, however, been definitively settled; the fears of the natives are allayed; and it is to be hoped it will not be again re-opened. It is not true that the Bible is excluded from the Government schools.*

Its teaching either nominally as a "class-book," or avenued, as it ought to be if at all, for the purpose of teaching the natives the truth and beauty of Christian feeling, is simply impracticable. The question is too wide for discussion here. It would fill a volume. But the testimony of Mr. Marshman is conclusive:—

"I am constrained to say that I fear the time is passed by when the Government could safely introduce into their own institutions the study of the Bible or the doctrines of Christianity."†

But there is a more dangerous course indicated; one which, if it should be acted on, will really, and very speedily too, show us a *national* rebellion in dimensions which will admit of no question. Because Act I, of 1856, aimed at the suppression of obscene books and pictures, was declared not applicable to representations on temples and cars, it is insinuated that these are the principal source of the pollution of the popular mind. Now all I wish to say upon this point is this, that if any crusade is to be entered upon against the decorations of the cars and temples—de-decorations we should call them—I beg that the English in India may have three months' notice, in order that I, at any rate, may wind up my affairs, and start to seek a livelihood in Australia or elsewhere; which, disagreeable as it would be at my time of life, I should infinitely prefer to having my throat cut from ear to ear, if I could hope for so kind and speedy a death.

Let us now inquire what truth there is in this charge against

* Mr. C. H. Cameron, House of Lords, 7th July, 1853:—

Q. 7418. "Although no Christian instruction is given in the Government establishments for education, are the Scriptures excluded, or, on the contrary, are they accessible to such native students as may wish to refer to them?

A. "*The Scriptures are to be found in all our libraries, and they are accessible to any student who chooses to consult them*, and a great many do consult them."

Q. 7419. "There is no prohibition against reading the Scriptures, either in form or in substance?

A. "None whatever."

(Sir C. E. Trevelyan, *ib.*; W. W. Bird, *ib.*; and Halliday, *ib.*)

† J. C. Marshman, House of Lords, 15th June, 1853.

the East India Company, that idolatry has been favoured, and Christianity humbled, in the eyes of natives.*

First, with respect to European Christians. The annual cost of the Established Church in India is between eleven and twelve lacks. The steady advance of the church, during the last half century, in the additional number of churches, of bishops, of chaplains, has been most marked, and I scarcely apprehend that the attitude of the Government towards its own Christian subjects is seriously impugned.†

Secondly, with respect to the natives. We have abolished, or caused to be abandoned, various abominations connected generally with the Hindoo religion, or with special creeds. Thus we have put an end to suttee universally. We have struck down infanticide in the North-West. We have extirpated Meeriah sacrifices among the Khoonds, and human sacrifices among other tribes; we have legalized the re-marriage of Hindoo widows—one of the most hopeful sources of the moral regeneration of the Hindoo; we have removed temporal obstacles to conversion, by declaring the convert entitled to participate in his family inheritance; we have entirely refrained from all participation in the

* The proclamation of Mr. Montgomery, the Judicial Commissioner of the Punjab, that henceforth Christianity will be no impediment to office, must not be supposed to represent the state of things throughout India. In Madras the rule of neutrality has been long observed; it required no ray of light from the North-West to illumine this benighted Presidency. The very highest officers, the head sheristadars, in Trichinopoly and Canara, are Christians. So is the naib-sheristadar, the second native revenue officer in North Arcot. Canara and Malabar have four Christian thasildars. The head of the salt department in Guntoor is a Christian. A native Christian is a pleader in the Sudder court, and in the lower grades of office there are many Christians, native and East Indian. The numbers thus employed may not be very great, but the causes which operate to exclude their influx have not their origin in religious fears or scruples. The same bars will be found in the case of the Mahommedans as the Christians. It is the Brahminical interest, still strong throughout the civil administration of the country, which operates by intrigue, supple suggestions, and silent combinations, to keep as many offices as possible in its own circle. The Brahmins have suffered several serious shocks of late years, as for instance in the abolition of Mahratta accounts, and in the order forbidding many of one family to be employed in the same office; but their power is still vast, and their influence still vaster. Madras, at any rate, needs no such humiliating confession as that in which the Commissioner of the Punjab candidly takes shame to himself for abnegation of a plain course of duty.

† J. C. Marshman, 16th June, 1853, House of Lords' Report, Q. 6550: and Halliday, 25th July, 1853, House of Commons' Report, Q. 8762.

administration of the Pagoda funds; we have ignored caste in our Government schools; we have given grants in aid to missionary schools;* one of the very last acts of the Madras Government has been the affiliation of various missionary schools with the Presidency college. The leading journal in England, it is true, is not content with this "sum of our intervention." It is very easy, no doubt, for English editors, who write at home at ease, to decide the "timidity and caution," which are said to have marked the steps of the Indian Government, in the introduction of these great innovations. There should have been a "peremptory prohibition," we are told; but we in India know what must have been the immediate results of such an order, and how much praise is due to the quick yet prudent action of those military men and civilians, who, in various localities, have persuaded a wild and savage people gradually to give up immoral practices which had obtained for centuries.†

These things have been done, and, for the most part, have been well done. On this side, at any rate, the East India Company is far less liable to attack; has far less to answer for, whether by way of omission or commission, than on any other side which has been indicated. But they do no more than Akbar did.‡

There are, however, some few acts which have been done in a covert under-hand way, of which, I think, there is cause to complain. The natives are quick to detect these schemes; they have uniformly opposed them, and, though unsuccessful in their opposition, they have had their prejudices and their indignation roused. I have already pointed out what course was adopted with regard to the Pagoda funds.§ I will further add, that this

* In point of fact, the whole of the money given away in these grants, in this Presidency, are bestowed upon the missionary seminaries, for this one sufficient reason that there are no other schools to assist. One of the last acts of the Governors of the High School, previous to the resignation of the President, myself, and the native members, was to recommend the adoption of the grant-in-aid system; and it is highly to the credit of the native gentlemen on that Board, that there was not a dissentient voice raised by any of them to the measure.

† See the account of the way in which Major-General Ludlow checked infanticide and suttee at Beypore: Ludlow's "British India," Vol. i., p. 148.

‡ See Sir C. Trevelyan, House of Lords' Report. Q. 6714.

§ "The Rebellion in India," p. 209.

affords an illustration of what I mean. No doubt it was better that the Government should withdraw from the collection and administration of the funds appropriated by former donors, for the maintenance of the Hindoo religion. The Hindoos themselves would not have objected to this;* but the thing should have been done in an open statesman-like fashion. The results of handing over these vast resources to the uncontrolled power of particular natives should have been foreseen, and at the same time that the Government withdrew its own control, it was bound, I think, to have adopted all such measures as would secure the funds from peculation and robbery, and the people from dissensions and religious hate. A legislative act should have been passed, declaring that the British Government saw reason to withdraw from further interference with the religious funds of the natives; and for the purpose of preserving them intact, a managing central body, nominated by the people and enjoying their confidence, should have been elected, with full power of management and supervision. But nothing of the sort was attempted; and, I believe, purposely. There has long been in India, especially in the Presidency of Madras, a small but highly influential section of European society, opposed, from conscientious motives, to all education not avowedly based upon the Bible. In their eyes, any participation in matters which affect the religious observances of the natives, is an abomination; and I cannot but think, that it was clearly seen what a "heavy blow and great discouragement" this throwing the Pagoda funds to the multitude to scramble for, must prove to the "heathen religion." When the funds were plundered, the temples would soon fall, first into disrepair, and then into total dilapidation. The seeds of discord, jealousy, and enmity, would be sown broad-cast among the entire Hindoo population, and the plan succeeded so well, that a further effort was lately made to disconnect the Government even from the collection of the rents and profits of the lands, as well as the management of the funds dedicated to the Pagodas.

* The Madras Native Association very liberally proposed in one of their petitions to Parliament, that if a Board were constituted for regulating the expenditure of these funds, the surplus should be rendered available for educational purposes.

So, again, with respect to Act 21, of 1850, mistakenly called the "*Lex Loci*" Act, of which intended piece of legislation, it was but a fraction, there cannot be a doubt that it has caused great and wide-spread discontent among the natives at large. I cannot find that this Act was called for by any considerable body of natives who felt themselves aggrieved by the operation of the existing Hindoo Law. Sir Herbert Maddock, in his minute, dated 9th June, 1845,* states that he finds *only one* memorial recorded, that of the Rev. Mr. Gogerly, and other missionaries, calling for the passing of this enactment! How it was opposed at once by the natives of Calcutta and Madras, may be learnt from a perusal of the other papers in the same appendix; and it has always appeared to me that this act of legislatien was a piece of obstinate clap-trap; totally uncalled for by the necessity of the case.†

It was sought to be supported by the Indian Government by a variety of fallacious arguments which were refuted by the natives; though their further observations were never replied to, but the matter disposed of by simply passing the Act. Among other matters, it was said that this was but an extension of an old Regulation, which had been in force for eighteen years in Bengal. But the fact was, that this Regulation had been practically a dead letter; at the time this Regulation was passed, there existed no channel for the natives to express their opinions, and the clause in

* Appendix A to House of Lords' Report, 1852.

† Mr. Leith (House of Commons' Report, 1853; Q. 3361), speaks thus of it:— "I do not consider this a religious question, and I would guard myself against being supposed so to argue it. In India I supported the missionaries to the best of my humble ability, both with my purse and with my professional advice; I was their adviser on many occasions, and in every way their friend. But this, I think, was a short-sighted policy; it was man trying to do God's work in man's way, not in God's way (wrong should not be done that good may come), and I think it has rather thwarted the object which all who are anxious for the spread of Christianity in India have in view. I say, further, that they have not followed the Gospel in it; Christ said, 'Leave all and follow me;' they say, 'Take all and follow me.' I say, it would have been a better proof of conversion, that a person should be willing to leave his family property than that he should take the family property when becoming a Christian. Injury is thought to be done to the father and to all those who look to the Hindoo son as the means of securing these important spiritual benefits to them; I do think, both as a matter of policy, and as a matter of principle, the Act in question was unauthorised and unjust." (See Baillie, House of Commons' Report; Q. 3502.)

question was foisted, as it were, surreptitiously, into the Regulation, which was on a totally distinct subject-matter.*

All this appears to me very paltry, and a sort of chicanery unworthy of a great Government. There cannot be a greater mistake than that of legislating in advance of the state of feeling of the day. The time would, no doubt, have come when such a provision would be acceptable to the natives at large, if, indeed, it was not rendered unnecessary by the mere action of popular opinion. I would observe that there is a wide distinction to be drawn between our duty as rulers, to forbid *mala in se*, such as murder, suicide, and the like; and those *mala prohibita*, which rest on customs.

But to return. Our true policy, I believe, will be found to consist in urging on Government secular education, which "uproots Hindooism," while we at the same time help forward missionaries' efforts by our purses. We must imperatively put down all tub-preaching colonels, and other military officers, who keep tame converts to preach in the bazaar. These fanatics produce nothing but mischief; they impede the work they seek to help: they probably owe their personal safety to a belief in their insanity, which excuseth a multitude of sins in the eyes of the Mahommedan and Hindoo. We must steadily pursue the path of tolerance as a Government, and we may then give what impetus we please to the exertions of individuals or societies in the propagation of the Gospel. What the effect of "secular" education, afforded by the state, hitherto, *has been*, is best shown by tracing the subsequent course in life of the young men who have completed their curriculum of studies at the High School, and gone out with honours.†

Let me add my own testimony. I have watched with anxiety the course of the distinguished students of the High School. Not a word has been breathed against the unimpeachable honesty of any one of them. They have been tried in all positions of life, however responsible and tempting. They have given equal satisfaction to the Government which employs them, and their fellow-

* See a pamphlet entitled "The Political Prospects of British India," by T. C. Robertson, late Lieutenant-Governor of the North-West Provinces, pp. 5, 6.

† See Appendix.

subjects over whose welfare they preside in vast districts. Mr. George Norton, the late Advocate-General of Madras, the founder of education in this Presidency, who, for years, with singular constancy and patience, fought the Fabian fight against the policy of successive Governments, thus speaks of the effects of education in his evidence before the Lords.*

"Do you conceive that the education which they received at this school was likely to sap their moral principles, or to render them less trustworthy servants?

"Indeed, I think the reverse. Such as have been employed are more noted for their moral principles than any natives I have ever heard of before, and no imputation has ever been thrown upon any of them."

So the whole of the noble evidence of Sir S. C. Trevelyan must be studied,† though it is too voluminous for insertion here.

With respect to what the effects of similar education *will be*, opinion differs, for it is matter of speculation. Those who regard the Bible as the *sine quâ non* of moral teaching, naturally predict that no satisfactory moral change can be worked out without instruction in the Scriptures. Some would insist upon making scripture teaching the touchstone of Government education. Others, seeing the danger and difficulty of this course, would adopt it, surreptitiously as I deem, and under false pretences, as a *class-book*. Let the seed be sown, they say; God will give the harvest. They argue that though we destroy Hindooism, we supply no purer faith. We find a Hindoo, and we leave an atheist. Even Sir C. Trevelyan says, nothing short of the conversion of the natives to Christianity will work any real moral change. Dr. Duff's and Mr. Marshman's evidence is to the same purport.‡ Looking, however, to past effects, it appears to me impossible, and directly contrary to the fact, to say that *no moral change* has been wrought; and if we may infer the future from the past, the

* House of Lords' Report, 1852-53. (Q. 6287.)

† See Sir C. Trevelyan before the House of Lords' Committee, 21st, 22nd, and 23th June, 1853.

‡ It is not intended to represent these authorities as maintaining that Christianity is not preferable to mere secular education, but simply as showing that, in their opinion, under existing circumstances, the present system of Government education is the most feasible.

spread of education on its present basis will result in an ever increasing product of moral change. Whether the present course, or the insisting on all boys, of whatever religion, reading the Bible as a "class-book," will most conduce to the ultimate conversion of the natives is matter of discussion. Each party may fairly give the other credit for sincerity of belief and excellence of motives, whichever shall prevail.* Sir Charles Trevelyan's evidence is as follows:—

"You stated, in a previous portion of your evidence, that while you considered the promotion of Christianity essential, not only for the spiritual welfare of the people of India, but also as the great civilizing agent, you yet thought it of the greatest importance, even for the promotion of Christianity, that the Government of India should be considered by the natives as neutral and impartial?

"I consider it of the greatest consequence. I was going to add to my last answer, that whatever conclusion we may come to, as to what is required by the principle of toleration, the consideration of grave practical expediency cannot be overlooked. Acting upon the principle of the neutrality of the Government, we have made great progress, and our prospects for the future are very satisfactory; whereas, if that principle of neutrality were once departed from in the manner described, the prospects of the evangelization of the people of India would be very seriously damaged, because, even admitting that the principle of toleration would not be infringed by the course of proceeding proposed, there can be no doubt whatever that the principle of neutrality would be departed from."

"Are the committee to understand you as meaning to say, that your view of the principle of religious toleration, is, that no use should be made of money raised from a country, to which the great majority of the people in that country conscientiously object; are the committee to understand that that is necessary, in your judgment, to religious toleration?

"My view of toleration is this, that toleration is founded on perfectly equal treatment. The essence of toleration is equality. If we assisted in teaching all the religions which

* Sir C. Trevelyan, House of Lords' Report; Q. 6842-3, 6858-9.

prevail in India, that would be toleration; if we refrained from teaching any, that would be toleration; but if we selected one or two religions and taught them, at the expense of the professors of all the others, that would not be toleration."

"Can you tell the Committee what the comparative results, in the way of conversions to Christianity, have been, from the education already given in the missionary and in the Government schools?

"Before I left Calcutta, I had a list made of all the converts to Christianity from the educated class, and I found that at that time the majority of this class of converts, whose character and cultivation and strength of mind offer the best assistance to Christianity, were from the Hindoo college. I think many persons mistake the way in which the conversion of India will be brought about. I believe it will take place at last wholesale, just as our own ancestors were converted. The country will have Christian instruction infused into it in every way, by direct missionary instruction, and indirectly through books of various kinds, through the public papers, through conversation with Europeans, and in all the conceivable ways in which knowledge is communicated; and then, at last, when society is completely saturated with Christian knowledge, and public opinion has taken a decided turn that way, they will come over by thousands."

"Do you think that that ultimate result will be more assisted by the maintenance of the principles of neutrality, on the part of the governing power, that governing power being a foreign power of unrivalled strength, than by any direct interference on their part?

"Decidedly by the principles of neutrality. Speaking merely as a Christian, and setting aside for a moment my former connexion with the Government, and the feelings which I acquired as a Government officer, the thing which I deprecate more than any other as hazarding the entire cause, and tending to produce what is sure to be a great obstruction, and would probably be a great calamity, is the infraction of that Government system of neutrality."

For my own part I do not hesitate, as I never have hesitated, to state my own conviction, that the course which the Government is now pursuing is not only the only safe one, but by far

the wisest and best adapted for the end all Christians have at heart.

I know how hopeless it is to induce men to alter their opinions on this point. Argument is thrown away. I may be wrong myself. Only this observation I would crave to make, that it is safer to rely upon the opinions of excellent men, founded upon long practical experience, and delivered in times when there prevailed no excitement, than to listen to the counsels of teachers, however worthy, who are delivering their advice in a season of agitation, and who have for the most part no practical acquaintance with India. Thus it is wiser to refer to the evidence of such men as Lord William Bentinck, the late Bishop Wilson of Calcutta,* and Bishop Turner of Bombay; as well as of Sir Charles Trevelyan, the Rev. Mr. Keane, Mr. Marshman, Dr. Tucker, and the like, delivered in 1852-3, before the Parliamentary Committees, than to be led away by Lord Shaftesbury and Exeter Hall, the Bishop of Oxford and Mr. Gladstone, and others who have never set foot in this country. Let us see, then, what course the unimpeachable Parliamentary witnesses suggest. The Rev. Mr. Keane,† in answer to the question, "Do you think the effect of your religious instruction would be such as you describe it to be, if you were considered to be the agents of the Government, acting under their authority, and complying with their directions?" says, "I think we should meet with great difficulties, which we do not meet with now." And to the question, "Supposing the Government connected themselves with the missions with which you have been associated, what effect would be produced upon your labours; would they be much more efficient, or less so if you were recognized as a Government servant?" replied, "I think hitherto the opposite course has worked well; but I have such confidence that God is doing wonders in India, that I believe if the Government were to give its sanction now, wisely, to Christian missions that would work well also." And in reply to the question, "Having regard to your experience, should you expect greater success in the

* I cannot put my hand upon this opinion of Bishop Wilson, but I have a perfect recollection of having met with it.

† House of Lords' Report, Q. 7887-99.

mission with which you are connected if you were known and recognized as a Government servant, instead of being an independent Christian, acting upon private motives of charity and duty?" answered, "I very much prefer my present position." And on being further asked, "You think that it is more efficient, and renders you more capable of extending religious knowledge?" said, "I think so; missions must be a voluntary work, and I think they do best when they are free from the entanglements of the Government; but still Government has to fulfil its duty to God and the people in the matter."

Bishop Carr,* in reply to the question, "Can you suggest any way of meeting the difficulty?" says, "I think that the Government giving grants-in-aid to the different schools is the only way of fairly meeting it."

The Rev. Mr. Tucker,† an authority of singular weight in the Madras Presidency, in answer to the question, "Will you state to the Committee the opinion which you have formed, from your own observation, as to the practicability of the introduction of the Scriptures into the schools with Government assistance?" says, "I should concur with those who have said that it is not safe to attempt the introduction of Christian instruction into the schools as a part of the system."

Finally, the weighty evidence of Sir C. Trevelyan‡ deserves to be written in letters of gold. In answer to the question, "You are of opinion that it is very important, as far as the Government is concerned, that in all their efforts to promote education, they should carefully abstain from taking any step that would have the appearance of attempting to convert them to the Christian religion?" he says, "I consider it of the highest consequence that the Government should firmly and consistently maintain the ground of entire neutrality and impartiality; that is the principle on which we have been constantly acting, and it has produced excellent fruits. I fear that a disposition exists to go from the extreme of excessive timidity to that of over-confidence; and I have, therefore, called attention to the great importance

* House of Lords' Report, Q. 8151.
† House of Lords' Report, Q. 8287.
‡ House of Lords' Report, Q. 6799-6800.

of maintaining inviolate the fundamental principle of our Government in India, which is that of complete religious neutrality." And in reply to the next question, "Even independently of our having acted upon that principle with respect to education, have there not been at various times, from the Government and from the Governors of India, declarations advisedly made of non-interference with the faith of the people?" he answered, "Again and again. I will give one, which will answer for all. This is an extract from an answer which Lord William Bentinck made to an address which was presented to him by the missionaries of Bengal on his departure from India:—'I have the more reason to feel flattered by your kindness upon this occasion, inasmuch as it proceeds from those with whom, in their public capacity, I have carefully abstained from holding any communication. The professed object of your lives and labours is conversion. The fundamental principle of British rule, the compact to which the Government stands solemnly pledged, is strict neutrality. To this important maxim, policy, as well as good faith, have enjoined upon me the most scrupulous observance; because, besides disarming the disloyal of his most powerful means of mischief, it tends to give contentment of mind to the good, and to form into one bulwark of defence the confidence and attachment of the whole population. The same maxim of strict neutrality is peculiarly applicable to the question, now so much agitated, of general education. I venture to give it as my firm opinion, that in all the schools and colleges under the support of Government, the principle cannot be too strongly enforced; and that all interference and injudicious tampering with the religious belief of the students, and all mingling, direct or indirect, of Christianity with the system of instruction, ought to be positively forbidden. It is held I know by many, that the improvement of the human mind in India, if unaccompanied by instruction in a purer faith, is calculated to destroy that which exists, without substituting anything in its place. One of our best and most useful prelates, the late Bishop Turner, thought otherwise. His was an opinion, in which the Mussulman, the Hindoo, and the Christian, all in fact who believe their faith to be true, ought to join,—that the more the mind is enlightened, the better it will be able to appreciate religious and every other

truth. *There is, I understand, in England a large class of excellent persons, who consider as a compromise the protection afforded to the religions of the country, and would gladly induce more active interference on the part of the ruling power in the diffusion of Christianity. They may be assured that a more grievous error could not be entertained.* The recollection of past ages, when conversion, by whatever means, by fire and sword, if persecution failed, was the first care of the conqueror, is not obliterated from the memory or apprehensions of the people; and the greatest obstacle to the cause they espouse would be the distrust any decided intervention of the supreme authority would inevitably create. The extension of episcopacy was not without objection, as involving the great principle of neutrality. Known as this great dignitary is to derive his office from the Crown, and bearing always the rank and character of one of the highest officers of the State, it is difficult for the public to see him in his other capacity of head and patron of the Church Missionaries, without having the suspicion that the Government must have some connection with and interest in their proceedings. We may rely with confidence on the exercise of the greatest caution in this respect on the part of our excellent diocesan, but that caution is now, and will always be, particularly called for. *Being as anxious as any of these excellent persons for the diffusion of Christianity through all countries, but knowing better than they do the ground we stand upon, my humble advice to them is, rely exclusively upon the humble, pious, and learned missionary.* His labours, divested of all human power, create no distrust. Encourage education with all your means. The offer of religious truth in the school of the missionary is without objection; it is or it is not accepted. If it is not, the other seeds of instruction may take root, and yield a rich and abundant harvest of improvement and future benefit. I would give them, as an example in support of this advice, the school founded exactly upon these principles, lately superintended by the estimable Mr. Duff, that has been attended with such unparalleled success. I would say to them, generally, that they could not send to India too many labourers in the vineyard, like those whom I have now the gratification of addressing. I submit these arguments to the Committee, in the firm belief that the course I am advocating is the only one by which Christianity can safely

and effectually be promoted; and I am perfectly convinced, that the greatest danger to which the progress of Christianity in India is liable, the greatest obstruction which it is likely to meet with, is the liability we are under to a panic and reaction in the native mind. It would throw us back we cannot tell how far; we cannot tell how long we should be in recovering the ground we have gained; we cannot tell even what the political consequences or the personal consequences to the Europeans in India might be.'" *

And in addition to these authorities I will add the following petition of the Baptist Missionaries to the House of Lords:—

"*To the Right Honourable the Lords Spiritual and Temporal of Great Britain and Ireland, in Parliament assembled.*

"The Petition of the Treasurer, Secretaries, and Committee of the Baptist Missionary Society, convened the 13th January, 1858, humbly sheweth:—

"That your petitioners are the representatives of the Baptist Missionary Society, formed, in the year 1792, for the purpose of spreading the gospel in heathen lands.

"That the predecessors of your petitioners sent their first missionaries to the Bengal Presidency in the year 1793, who, forbidden to prosecute their labours in British India, were received under the protection of the Danish Crown, and, under the direct sanction of His Majesty the King of Denmark, settled at Serampore.

"That, in pursuance of their plans, the missionaries of this Society subsequently formed stations in Bengal, Behar, and in the North-West Provinces; established printing presses at Serampore and Calcutta; by the translation of the Scriptures into the various tongues of Northern India, especially in the Sanscrit, Bengali, Hindi, and Hindustani languages; by the compilation of grammars and lexicons; and by the preparation of tracts and school books in the vernaculars, they laid the foundation for a vernacular literature, imbued with the knowledge, science, and religion of Great Britain; and by the maintenance of schools sought to enlighten the minds of the people, and to lead them from the debasing and immoral practices

* See also *ib.* Q. 6804; H. H. Wilson, *ib.* 7211; Mr. Cameron, *ib.* 7406-7414-16.

of idolatry to the worship of the true God; and thus prepared the way for those enlarged missionary and educational efforts which the Christian communities of Great Britain, the Continent of Europe, and America, have put forth for the elevation of the people of India.

"That your petitioners cannot but feel the deepest interest in everything that concerns the moral, social, and religious welfare of the Indian empire, and most deeply deplore the lamentable events which have overwhelmed large classes of her Majesty's subjects with profound anguish and suffering.

"That your petitioners gratefully acknowledge the important changes which late years have witnessed in British India, such as the legal prohibition of suttee, infanticide, thuggee, slavery, and the immolation of human beings at the festivals of Juggernath and Kali, and will thankfully hail every further approach towards the establishment of perfect religious liberty.

"That your petitioners further represent to your Right Honourable House that the establishment of an episcopacy, or the appointment of chaplains, by the British Government, for the conversion of the natives of India to Christianity, *in what way soever supported, would be most hazardous to the peace of India, if not to the continuance of the British empire in Hindustan*; and they further believe that such interference with the spread or maintenance of religious truth, or the endowment of any form of religious belief, whether Christian, Mohammedan, or Heathen, even for the religious instruction of the servants of Government, is beyond the province of the civil power, *and most seriously detrimental to the best interests of Christianity.*

"Your petitioners therefore pray your Right Honourable House, in any legislative measures which in wisdom of your Right Honourable House may be adopted, to make provision:—

"*That the future Government of India shall proceed in the beneficent course of late years*, and separate itself from all the idolatrous usages of the people; prohibit such practices as may be injurious to public order and decency, or to the civil and social rights of any class of her Majesty's subjects; and secure to every rank and condition, to Government servants as well as to all other classes—European and native—the freest exercise and expression of their religious convictions.

"And that the future Government of India shall be forbidden to establish, endow, or interfere with the spread or maintenance of any form of religious belief."

I believe that if the suffrages of the hard-working, conscientious, devoted missionaries, labouring at this moment all over India, could be taken, they would echo these sentiments. They know what an impediment the idea, if once entertained by the natives that they were the propagandist instruments of the Government, would prove to the spread of Christianity; what personal risk they would run; what dangers have to encounter. Let them continue to wander, as now, from village to village, with the Bible in their hands, expounding the word of God under the banyan tree to multitudes, out of whom the hearts of some may be touched; let them establish their seminaries wheresoever there seems hope for them to prosper; let the Government give these schools grants-in-aid, and let the Christian public in India and in England prove their sincerity or their interest in the cause of the missionary by giving them their utmost assistance.

I have given the opinion of Englishmen; what is the opinion of natives we may learn from the fact that Mr. Frere, the Commissioner of Scinde, has stated, that "*no single proclamation of the rebels has yet been published, which has not dwelt on the efforts to convert the natives to Christianity,* as affording the most powerful incentives to rebellion;" and I would call attention to a most singular production—the Proclamation of Feroz Shah, son of the Ex-King of Delhi. He calls on the people to rise, in order to prevent the inauguration of what he pretends will be the English policy, if we again get the upper hand. He is unintentionally complimentary to our past fairness and neutrality; he seeks to stir up the people, by assuring them that we have determined on a different line of policy for the future. "*If,*" he says, "*after all that has past, the English regain their former power in India,* it is certain that *they will destroy the religion,* honour, life, and property of every one;" he then professes to state what the English Government has resolved to do, in order to effect this.*

* The whole of the proclamation, which is too long for insertion here, will be found in the Appendix C, and is well worthy of perusal.

"We have two advantages," says Sir C. Trevelyan,* "to confer upon the natives of India, which the Romans had not: one of them is constitutional freedom, and the other is Christianity. Now, these two will make the people of India, at some distant period, capable of self-government and self-defence." I have endeavoured in these pages to show how we may most safely, most prudently, most efficiently keep the even, steadfast, noiseless tenor of our way towards this final end. I will conclude with the words of the same high authority, because I can find no others which more completely embody my own solemn conviction:—"It is a plain moral duty to govern India as well as we possibly can for the benefit of the natives; and Providence has so arranged, that the performance of duty shall always be found to be conducive to the best interests of mankind. Honesty in this, as in every thing else, is the best policy."

* House of Lords' Report, Q. 6745.

APPENDIX.

THERE are in the three armies of India 4492 officers of infantry of all ranks from colonel to ensign, belonging to 155 regiments of native and nine of European infantry; each native regiment having 26 officers, six of the European regiments 51, and the other three regiments 52 officers; the European regiments thus having in all 462 officers, and the native regiments 4030,—total 4492 infantry officers.

It is allowed to withdraw for staff duty seven officers from each regiment of native infantry, and fourteen from each European corps, thus making a total of 1211 officers withdrawn from the infantry for staff or detached duty; and the colonels of regiments (167 in number) being also absent, there are 1378 officers of infantry actually allowed to be absent from regimental duty.

By the regulations of 1796, one-third of the lieutenant-colonels and majors, of whom there are 346, are allowed to be absent on furlough, which gives about 116 absentees in these two ranks; one-fourth of the captains (of whom there are 1211) being also calculated to be absent, gives 303 absentees in the captains' grade; and one-sixth of the subalterns (of whom there are 2768,) gives 460 subalterns absent, making a total of 889 officers of all ranks absent on furlough, which, added to those absent on staff and detached duty (1378), makes in all 2267 officers absent from their corps; leaving for actual regimental duty 2225 officers of all grades.

Allowing double the number of officers to the European corps, as compared with the native, this number gives a proportion of 24½ officers to each European, and 12¼ to each native corps, for the discipline of about 9000 rank and file European infantry, divided into 90 companies, and 135,000 rank and file of native infantry, divided into 1550 companies: total 144,000 rank and file, divided into 1640 companies; and allowing, as before, double the number of officers for the European corps, the proportion of officers will be one to every 35 Europeans, and one to every 70 natives, or about two officers to each of the 90 companies of European infantry, in all 180 officers, and 1550 officers to the 1550 companies of native infantry—one for each company,—total 1730 officers for the 1640 companies of Euro-

pean and native infantry; and leaving 495 officers for regimental command and regimental staff, that is, a proportion of $2\frac{1}{3}$ officers per regiment.

These proportions of officers would be sufficient for all military purposes if always uniformly maintained throughout all the regiments with efficient and experienced officers; but no allowance is here made for the proportion that must at times be sick and unfit for duty, especially when on service. And these proportions are liable to be materially affected and the efficiency and numbers in the different grades rendered unequal, in particular corps, by reason of a larger number of officers than are allowed being withdrawn for staff duty; and also by reason of many being either young and inexperienced, or old and worn out—merely hanging on for pension; then these evils are more especially felt when a regiment is on service with officers unfit for duty, from wounds and sickness; the evils are often irremediable from the impossibility of recalling officers from staff employ.

These defects and inequalities might be remedied without any great increase in the number of officers, simply by dividing the infantry into larger bodies than the present battalions; for instance, instead of having 164 regiments of infantry, native and European, let the whole infantry (native and European) be divided into 45 regiments or corps, or legions, each with 100 officers; making in all 4500 officers, or 500 more than at present, out of which number (100) there must be kept with the soldiers a sufficient number of experienced officers properly to carry on the regimental duties; and in the event of a portion of the regiment being employed in the field, those officers becoming unfit for duty, could easily be replaced, which, under the present system of small regiments, is impossible, as no transfer of officers can conveniently be made from one regiment to another, however much it may be needed. In order to improve the discipline and practical military training of the officers, let each of these proposed regiments consist of a body of European infantry,—say 600 men or more, divided into six companies, and 3000 natives, divided into thirty companies, total 3600 rank and file, making, in the 45 regiments, 162,000 rank and file (divided into 1620 companies,) of whom 27,000 will be European in 275 companies, and 135,000 native infantry in 1350 companies.

Let each regiment have present and always effective, at least 60 officers out of the 100, making, for the 45 regiments, 2700 officers for regimental duty, and whatever may be the proportion of ranks of the 100 officers assigned for each regiment, let the same proportions be, if practicable, maintained for the 60 officers present; but if, at any time, the ratio should vary, and the duties be performed by officers of inferior rank, let them enjoy the benefit as respects superior allowances, so as by this outlay to force on the attention of Government the fact of insufficient officers with corps.

This arrangement provides for a force of 162,000 European and native rank and file of infantry, being 18,000 more than the whole infantry of the three Indian armies prior to the breaking up of the Bengal army: this increase being entirely in Europeans, and the

native infantry continuing in the same numbers as before. Now, to provide officers for this additional European strength, it would be necessary, if maintaining the existing proportion of 462 officers for 9000 European rank and file, to make an increase of 924 officers; whereas, with the improved organisation, by the proposed division of the infantry into larger bodies, only about eight more officers would be requisite.

The distribution of the 100 officers of each proposed large regiment, or legion, may be shewn by attaching two officers to each company of European infantry, and one to each native infantry company; or 42 officers for 36 companies, 12 for the European and 30 for the native companies; giving 540 officers for the 270 companies of European infantry, and 1550 officers for the 1550 companies of native infantry—total 1890 officers for 1620 companies; and reserving 18 officers per regiment (or 810 for the 45 regiments) specially for regimental command and regimental staff, there would be 2700 officers actually available for regimental duty, admitting of 40 per regiment, or altogether 1800 out of the 4500 being at all times absent on staff or detached employ, and on leave.

If the proportions of the different ranks be fixed similarly to the Royal Artillery, which is, like the Indian army, a seniority service, the grades of the 100 officers per regiment and the 4500 officers of the 45 regiments or legions would be as follows, and is contrasted below with the grades of the establishment of infantry officers, as at present fixed for the Indian army:—

Grades.	For each Regiment or Legion.	For 45 Regiments or Legions.	Present Establishment of Infantry Officers.
Colonels commanding	6 { 2	270 { 90	{ 167
Colonels	{ 4	{ 180	{
Lieutenant-colonels	8	360	346 { 173
Majors	..	..	{ 173
Captains	35	1575	1211
Subalterns	51	2295	2768
Total	100	4500	4492

The regular cavalry of the Honourable Company's army consisted, up to May, 1857, of 21 regiments, each of six troops, all native, comprising about 10,000 sabres, divided into 63 squadrons, each consisting of two troops of about 70 troopers, making 140 to each squadron.

For this force, an establishment of 483 European officers,—from colonel to cornet,—was allowed; the proportions of ranks being on the same principle as in the infantry branch, only with three subalterns less; giving altogether 23 officers per cavalry regiment, instead of 26 as for each native infantry regiment.

The paucity of officers was thus yet greater in the cavalry than in

the infantry; although they were yet more required with the former than with the latter, both to lead the cavalry in the field and to maintain discipline in cantonment.

It has also been considered as equally necessary to have a proportion of European cavalry as a component part of each native cavalry regiment, in order to give stability and set an example, as to have European infantry attached to the native infantry regiments. But the army of India contained no European cavalry, and although the strength of the cavalry of Her Majesty's army stationed in India was considerable, and in general about 20 squadrons, yet even this proportion was far too small for the 63 squadrons of native cavalry; and, moreover, the whole force of cavalry, as compared with the strength of the infantry, was far below the proportions maintained in Europe, and also far less than Asiatic warfare required.

The number of cavalry officers absent from their regiments on staff and detached employ, was about 126, and, with the colonels, in all 147, which, added to the absentees on furlough (96,) make up altogether 243 absentees, out of the establishment of 483 officers, leaving available for regimental duty 240 cavalry officers, giving one officer to about 40 rank and file, or nearly four to each squadron of about 140 troopers.

It would be of great importance to have attached to cavalry of the Indian army a body of European horsemen of a lighter description than Her Majesty's cavalry, and therefore, if a smaller class of men should be enlisted for Indian service, (and thus the recruiting for the heavy cavalry of England would not be interfered with,) the cavalry for India might be fixed at 75 squadrons of cavalry (15 being European and 60 native) for all India, in the following proportions for the three Presidencies: for Bengal 35 squadrons, seven European and 28 native; for Madras 25 squadrons, five European and 20 native; and 15 squadrons, three European and 12 native, for Bombay; each squadron having a squadron leader, as also each half squadron, making, with one officer in reserve, altogether four officers per squadron; thus giving for the 35 Bengal squadrons 140 officers, for the 25 Madras squadrons 100 officers, and for the 15 Bombay squadrons 60 officers—total for the whole 75 squadrons, 300 officers; add to this a proportion of officers for regimental command, regimental staff, and reserves, say 28 officers for Bengal, 20 for Madras, and 12 for Bombay (total 60), which, with the above 300, would make altogether 360 officers present for duty; and supposing the same number of absentee officers to be allowed as at present, there would then be required to be always present for regimental duty, (besides these 360 officers, who are, in fact, 120 more than have hitherto been available,) at least 240 officers for general staff, detached employ, and on leave, requiring an increase of 117 officers to the present establishment, in order to allow of the same number of absentees as at present.

The organization of the cavalry might be made on a uniform system; each squadron, both European and native, being composed of 150 sabres which, for the 75 squadrons, would make 11,250 sabres,

of which 2250 would be European, and 9000 native cavalry, distributed amongst the three armies, as follows:—

	Bengal.	Madras.	Bombay.	Total.
Squadrons—Europeans	7	5	3	15
Ditto —Native.....	28	20	12	60
Total Squadrons	35	25	15	75
Sabres—European	1050	750	450	2250
Ditto —Native	4200	3000	1800	9000
Total Sabres	5250	3750	2250	11250
Squadrons—Officers	140	100	60	300
Staff —Ditto	112	80	48	240
Reserve —Ditto	28	20	12	60
Total Officers.....	280	200	120	600
Present Establishment	230	184	69	483
Increase	50	16	51	117

Statement showing the Settlement Beriz of all branches of Revenue in the District of South Arcot, from Fusly 1255 to Fusly 1266.

No.	Fusly.	Extent of wet, dry, and garden land cultivated.	Land Revenue.	Frontier Customs.	Abkary.	Sundries.	Salt.	Sea Customs.	Motur-pha.	Stamp.	Total.	Remarks.
		Acres.	Rupees.								Rupees.	
1	Fusly 1255	523,950	20,29,444	94,977	75,100	4,832	2,65,322	51,616	41,531	5,794	25,68,620	
2	„ 1256	633,599	24,37,544	49,430	73,250	3,904	2,55,469	62,915	41,576	8,853	29,32,944	
3	„ 1257	642,548	24,90,746	34,132	83,730	4,040	1,99,370	40,332	39,216	10,089	29,01,658	
4	„ 1258	593,481	22,30,244	27,468	82,370	10,922	1,87,387	24,918	38,678	15,837	26,17,827	
5	„ 1259	509,770	18,60,698	46,526	68,000	10,855	2,29,515	24,747	40,146	19,273	23,01,764	
6	„ 1260	680,638	23,40,550	43,848	81,300	11,286	2,77,862	31,069	41,142	20,025	28,47,085	
7	„ 1261	692,322	25,22,927	57,516	78,000	11,700	2,70,140	29,002	41,899	18,804	30,29,991	
8	„ 1262	656,538	24,21,369	71,744	85,000	12,238	1,98,895	20,420	42,967	25,262	28,77,900	
9	„ 1263	594,383	20,75,612	67,770	95,100	9,550	1,75,523	22,213	43,078	21,264	25,10,113	
10	„ 1264	636,676	19,51,276	46,886	85,000	9,851	2,06,400	16,196	41,104	19,853	23,76,567	
11	„ 1265	861,430	24,04,464	68,314	1,04,900	„	2,70,371	23,784	41,236	27,615	29,50,140	
12	„ 1266	895,486	25,56,902	80,046	1,35,300	„	3,36,212	30,701	41,848	22,500	32,03,511	

In 1256 (1846) the Frontier Customs, except on the Pondicherry or French side, were abolished, and the Sea Customs much reduced.
Note.—Besides the above revenue, the collections for the District Road Fund in 1266 amounted to 37,864 rupees.

LAND REVENUE STATISTICS.—BEFORE THE MODIFICATION.

Average of 10 years, 1816 to 1825, rupees 18,78,925
Ditto 1826 to 1835, „ 18,07,093
Ditto 1836 to 1845, „ 20,66,206 Some estates fell in to Government.
Ditto 1846 to 1855, „ 22,56,996

AFTER THE MODIFICATION.

In Fusly 1265, or A.D. 1855-56, rupees 24,04,464
„ 1266, „ 1856-57, „ 25,56,902 } Exclusive of the Road Fund, about 40,000 rupees.

The modification of assessment has reduced the tax *on the land under cultivation* by above 10 lacs of rupees, (or 10,29,947 rupees), and yet Government have been gainers as well as the people.

Extract from Madras Athenæum of 1854.

IMPORTS.

During the 18 years, from 1834 to 1852, both inclusive, the exports from Madras amounted to £25,506,197-12; in round numbers about a hundred and forty lacs a year. The imports, in the same period, reached only £14,439,449-6, or eighty lacs per annum. We naturally look for the balance under the head of "treasure imported," but, strange to say, more money was sent out of the country than was brought into it, and we have not included the precious metals in the list of exports! Still dealing with the same period of time, we find that £3,338,810-10 was shipped from Madras in the shape of treasure, and but £3,190-767-10 brought back again. The total of money and merchandise put on board or sent across the frontiers by land is £28,845,008-2, and the total imports amount to £17,630,217-4. A sum then of £11,214,790-18 is wholly unaccounted for, and if we allow the merchant a profit of ten per cent. on exports, we shall find that for every rupee's worth sent out of the country, whether in the shape of produce, manufactures, or the precious metals, but nine annas come back again to the country.

But the value sent forward and the trader's profit must find a way out again through some channel or other. True enough! The London banker, who is debtor to Madras for the sums that his correspondents here have advanced on bills of lading, and which he gets back from the mercantile agents, returns the equivalent, either by paying the drafts which the Madras branch has valued on him, or by making advances on goods shipped to this port, or remitting bullion. The agent of the Madras trade returns in goods or money, as he is directed, all that *he* has received, and in fine, every one who owes us anything, is good enough to pay it. But there is one firm that has neither paid money on our account nor sent out a shilling's worth of goods, who yet demand and receive every year the seven annas in each rupee that we have found missing. In the four years ending 1850-51, the East India Company carried off nearly £2,470,000 of coined money, exclusive of the sums raised by advances on goods and the sale of bills. In 1851-2 they shipped from Madras £651,200, and obtained money on bills to the extent of £303,000. If this sum be added to the imports for that year, the whole will amount to £2,854,965-10, against a total export of £2,670,444-8 merchandise and treasure in 1850-1, and gives us back the worth of our ventures, and a profit of more than seven per cent.

We have searched for a proper standard of comparison, but without success. The Crown Colonies within the tropics, which are said to be wretchedly governed as contrasted with the countries under the sway of the East India Company, are so small in comparison with Madras, that the disproportion is ludicrous. Ceylon and Mauritius receive about a third more than the total imports of Madras, and pay about *one-eighth* of its revenue. We prefer therefore to quote the South American States, where the negro works for a bare maintenance, where the rulers have never been trained for the duties of government, and the hunter wears a dress of deer-skin, and seldom requires the aid of the dhobie. Our authority is the Parliamentary return of "British cotton-manufactured goods exported in the year 1851," from which it

appears that Brazil and nine South American Republics, having in the whole a population of less than twenty-two millions, took more than four millions' worth of manufactures, or a trifle less than four shillings per head.

Extract from Madras Athenæum of July 25, 1854.

EXPORTS.

There are 90,000,000 of acres in the Madras Presidency, or nearly double the area of Great Britain, and the population is more than that of England, Scotland, and Wales. There is no limit to the power of producing silk, indigo, sugar, coffee, and cotton, the most valuable staples of commerce, the demand for which, in the markets of the world, is almost equally inexhaustible. Three fourths of the people of Madras are agriculturists; rich lands in every direction are lying waste; English capital is ready to flow into every channel that is opened to it. Nothing, then, but idleness or hindrance stands in the way of a large surplus production, and, by consequence, of national wealth and progress.

The extent of real *surplus* production cannot, of course, be always ascertained by looking at the returns of articles exported. Yorkshire produces both beef and broadcloth, but if the people in that county were to resolve henceforth to wear cotton garments and live wholly on potatoes, it is quite certain that a large increase might be made in the amount of exports, whilst production remained stationary. The figures in the Customs' records show the amount of wealth that has been sent away, but not of that which is retained for home consumption. A large export may be often nothing more than a forced contribution, the necessities of the producer obliging him to sell more than the proportion that he would part with under prosperous circumstances. But in analysing the social condition of Madras, it is not possible to make a mistake of the above kind. Every year the whole available excess of production is sent out of the country. The grain merchant maintains his usual store of rice, always hoping for adverse seasons, but the ryot sells his crop even before it is cut down, and the weaver's cloth is always due to the money lender. There is no such thing as keeping up stocks of exportable merchandize; at the end of the season the hut and the godown are equally empty. The trader is as bare of goods as the peasant of coin and comfort. Any one who examines the official statements of revenue and commerce, will see that the average totals scarcely vary from one year to another, and that Madras has paid more revenue, exported more produce, and taken a greater share of imports in some former years as compared with the present.

We have before us "statements of the trade of the Madras territories, for 1851-2," published by order of Government. The year in question was favourable to all kinds of agricultural production; and may therefore be taken as even above the average of seasons. In this period, then, of general plenty, we find that the whole external commerce of Madras, by land as well as by sea, deducting re-exports

and treasure exported by Government, amounted in value to £2,793,459 : 2, (2,79,34,591 rupees), or less than two shillings and sevenpence per head, on the population of twenty-two millions!

The authorities we quote are Parliamentary Returns, of the Session 1851-2, and M'Cullock, Ed. 1853, from which it appears, that the population of the *British West Indies* was, in 1848, 900,000. In 1850, they exported to the value of £3,666,250, upwards of one-fourth more than the out-turn of the twenty-two millions of Madras, and considerably above four pounds sterling per head.

Cuba, with a population of 1,200,000, sent forward in 1841, produce of the value of £6,306,028; the despised slave creating fifty times as much wealth as the well cared-for inhabitant of Madras.

Mauritius, where the soil is cultivated wholly by the voluntary exiles from India, exported in 1850, merchandize to the extent of £950,000, being at the rate of nearly six pounds for each inhabitant, the latter amounting, according to the last census, to 168,000.

In 1836, the latest date which can be referred to, 560,093 Negroes and Asiatics, under French control, in the colonies within the tropics, sent to *France only*, products to the value of £2,839,448, a little more, it will be seen, than the entire exports of Madras.

Porto Rico contrived to produce in 1839, exportable commodities worth £1,242,479, which were raised by the labour of 357,00 people.

Ceylon, in 1845, had a population of 1,500,000, but we believe it has less at present; in 1850, it sent forward exports worth £974,439.

Java, with a population of seven millions, exported in 1845, goods valued at £5,491,264.

APPENDIX A.

Extract Minute by the Right Honourable the President (Lord Harris), dated 2nd May, 1857 (referred to in the letter from the Governor-General, dated the 4th July, 1857.)

I have now been three years in India, and during that period I have made a point of keeping myself acquainted with the tenor of the larger portion of the British press throughout the country, and I have no hesitation in asserting my impression to be, that it is, more particularly in this Presidency, *disloyal* in tone, *un-English* in spirit, and *wanting in principle*, seeking every opportunity, whether rightly or wrongly, of holding up the Government to opprobium, not so scurrilous certainly as portions of the press in the colonies, but utterly regardless of *correctness* in statement.

With such an influence disseminating itself throughout the country, uncontrolled and uncontradicted, what must be the consequence?

The greater number of men, even in highly civilised countries, are not very clear in the discrimination of the truth and falsehood of statements which come before them, and, if this be so, what must be the case in a country where there is still less of that power?

I do not see how it is possible for the natives, in the towns more

especially, with the accusations, *misrepresentations*, and *calumnies* which are constantly brought before them, to come to any other conclusion than that the Government of their country is carried on by imbecile and dishonest men.

And I believe I may add that the effect thus produced is not limited to the natives, but that it has spread itself also amongst our own countrymen.

I am aware that it may be contended that the influence of the press is not great; that no one minds what it says; and, lastly, that things go on very well in England, though the same attacks are made there.

I am not prepared to allow the truth of the two first propositions above mentioned, and I would point out as to the third, that the case of India is totally dissimilar.

In England, however strong may be the attacks on the Government or on individuals, there is still that homogenity of race which prevents any dangerous results to the common weal; moreover, every man is certain, whether on public or private matters, of having an opportunity of bringing his case before the public, either by means of rival newspapers or in Parliament; there is, therefore, the certainty of removing, in a short time, an unfavorable impression, if produced by an unfair or untrue statement.

But in India just the contrary is the case; *week after week*, *month after month*, *year after year*, are these attacks on the Government and on its servants disseminated almost unnoticed and uncontradicted.

What must be the conclusion which will be impressed on weak and ignorant minds?

Inevitably that no defence can be made. It may be right to look with indifference on opinions which are so crudely imbibed, but I do not coincide with that opinion.

All men are endued with some degree of the sense of right and wrong, and it is well worth while to lead their feelings in a right direction.

It will be asked, what is the remedy for this state of things? Is a *censorship* of the press to be introduced? If so, would it achieve the desired object?

I believe not; and at all events it would be *impolitic to recede from the freedom* which has been granted, in order to cure the license which has emanated from it.

A disease of this nature should be kept under command, not by repression, but by the application of a cure on sound principles. *The liberty of the press is a most important and vital principle* in the best interests of humanity, and cannot on any account *be interfered with*; but that freedom has been won and granted for the purpose of eliciting truth, not for disseminating *falsehood*.

The propagator of untruth or of misrepresentation should be made responsible for his statements; the burden of proof should be thrown upon him, either as proprietor or editor, and on failure the act should be penal in an *ordinary* court.

The reputation of a government or of its officers, or of any individual, should not be valued at a money rate, or left to the *fickle and timorous decision of juries*.

The freedom of subject demands that there should be some change in the law on this point, by which *relief* may be given to those liable to attack.

It must be evident to all candid minds that there is a *tyranny* now extant, under the specious term of the liberty of the press, to which numbers are slaves, and against which they dare not strike a blow.

Relief from such a tyranny is, I know, *desired*, but it is thought hopeless to attempt to obtain it.

There has been much said and written about torture of the body in these days, and every attempt has been made to stop it: but there is another description of torture much more painful to an honourable mind, that of *traducing the reputation*, which equally deserves consideration, which equally calls for interference, and which now can be practised by any man who will descend to *defamation*, while *skulking under the shield* of the editorial We; or to *misrepresentation*, while hiding himself behind some *nom de guerre*.

The bully of society in former days—I mean the duellist, offensive as he was and frequently unfair—still had the merit of boldness, and risked his own life whilst he took the lives of others; but these bullies of the present day are sheltered, under present circumstances, from all risk.

The first maxim enjoined by our divine religion is that of *charity*, and it is confirmed by the sanction of every sound system of morals; but can this be said to be supported by our laws, when the practice of the unlimited publication of misrepresentation and *detraction* is permitted with impunity?

I am aware that I am expressing opinions at variance with those generally avowed in the present day, but I am bold to do so in the conviction that they are founded on eternal truth, and that they will prevail; and that a contrary system, however plausible in theory, will induce unfavorable results, such as, I believe, are now partially manifesting themselves in this country.

The honour of a Government should be maintained with the greatest strictness, and when attacked should be defended, and every real misrepresentation should be dogged to its source and branded publicly with falsehood.

Extract Minute by the Right Honourable the Governor (Lord Harris), dated the 20th June, 1857 (referred to in the letter from the Governor-General, dated 4th July, 1857.)

In support of the statements which I have lately made respecting the tone of the press and its effects on the army, I now circulate two copies of the "Examiner" newspaper of the 18th instant, one to be sent to the Honourable Court, and one to the Government of India, which contains an article *full of seditious matter*, and addressed *in the most open manner to the soldiery*.

I at once referred this, in order to save time, for a legal opinion, and the answer was as I anticipated, that though the article was *highly seditious*, yet that the risks were so great, or rather, that the

chances of *success in the courts were so small*, that it would be better to allow such *poison* to be disseminated than to offer an opportunity whereby Government might suffer a defeat.

So that the preaching of sedition and of, in fact, rebellion, must be allowed to run in its full course.

I have already stated that this newspaper is the mouth-piece of the Roman catholic priests, and *is probably mainly supported by the money paid to them by Government.*

It is circulated *at so cheap* a rate that it cannot be remunerative; and lately, since enlarged allowances have been granted to the Bishop, it has been issued on *three days in the week* instead of, as previously, on two.

I am informed also, that arrangements have been made by which these seditious articles are immediately translated into the native languages, and that the circulation of them is rapidly increasing.

And amongst whom do these papers circulate first? *undoubtedly* amongst *the sepoys.*

Sir Thomas Munro, in his Minute of the 12th April, 1822, to every word of which most remarkable and prophetic document I would at the present time call especial attention, writes, "The native troops are the only body of natives who are always mixed with Europeans, and they will therefore be the first to learn the doctrines circulated amongst them by the newspapers;" and this no doubt is the case, and the results we are, I believe, now witnessing.

(True copies.)

(Signed) J. S. MILL,
Examiner of India Correspondence.

East India House, August, 1857.

APPENDIX B.—No. 1.

List of the Proficients of the late High School and Presidency College of Madras

No.	Names.	Names of Offices.	Salaries in Rupees.
1	C. Runganathum Shastry ..	Head Tamil Teloogoo, and also Mopple, and Malayaham, Interpreter of the Supreme Court	350 with fees.
2	P. Thenathialoo Naidoo	Without employ	
3	V. Sadagopa Charloo	A Pleader in the Court of Sudder, Udalut .	
4	M. Sadasiva Pillay	Sherestadar of the Civil Court of Cuddalore	100
5	V. Ramyengar	Head Sherestadar of Tanjore	280
6	T. Madava Row	Acting Dewan of Travancore	2000
7	Mr. B. Lovery	Principal of Patcheappah's School	200
8	A. Sashiah Shastry	Head Sherestadar of Masulipatam	280
9	V. Ramanooja Charriar	Secretary to Patcheappah's Charities, also Pleader of the Court of Sudder, Udalut.	100
10	G. Chungunnah Shastry ..	Head Accountant in the Collectors's Cutcherry of Chingleput..	100
11	C. Runga Charry	Naib Sherestadar of Nellore.....	175
12	W. Sasha Chellaw Naidoo..	Indexer in the Revenue Department of Government Office	100
13	G. Rajagopal Naidoo	Teacher in Patchappah's School	60
14	A. Rama Chendra Row	Naib Sherestadar of Salem	175
15	D. Baboo Row	Merchant	
16	T. Venkata Charry.....	Deputy Inspector of School at Trichinopoly	150
17	Mr. H. Herakoose	Merchant	
18	C. Sama Row	Dep. Master of the Zillah School, Cuddalore	85
19	J. Runganathum Moody ..	Interpreter in the Small Cause Court	70
20	B. Kristnasawmy Naidoo ..	Head Writer of the Civil Court, Chingleput	70
21	S. Soondram Naidoo	Clerk, Public Departmt., Governmt. Office	70
22	P. Rungiah Naidoo	Interpreter in the Small Cause Court	70
23	P. Vijiarauga Moody.....	Deputy Inspector of Schools at Madura..	150
24	T. Teroomala Row.....	Translator in the Chingleput Collectorate.	85
25	T. Durmarayen Moody	Sub-Division Sherestadar of Rajahmondry	175
26	D. Teagiah Shastry	Clerk in the Accountant-General's Office .	60
27	A. Streenevasa Row	Head Javobnevis in the Collector's Cutcherry of Guntoor	70
28	M. Sivagooroo Pillay.....	Head Accountant in the Collector's Cutcherry of Chittore	100
29	A. Narrain Row.....		
30	C. Teroovengadam Naidoo .	Head Master of the Zillah School, Chittore	200
31	Mr. A. Dique	Teacher in the Presidency College	
32	V. Kristnama Charloo	Deputy Inspector of Schools at Chingleput	120
33	P. Chinnatambee Naidoo ..	Ditto ditto at Masulipatam	
34	V. Rajagopala Charriar	Tahsildar in the Nellore District	100
35	T. Moottoosawmy Iyer	District Moonsiff of Tranquebar	100
36	P. Vurda Charry	Translator attached to the Marattah Cutcherry of the Revenue Board Office....	54
37	B. Gopaliah.....	Tahsildar in the Nellore Collectorate	70
38	N. Ramasawmy Moody....	Clerk, Public Departmt., Governmt. Office	40
39	C. Ramiah		
40	C. Armoogum Moody	Teacher in the Wesleyan School at Madras	60
41	P. Venkatakristnama Naidoo	Javobnevis in the Collector's Cutcherry of Chingleput	31½
42	Y. Venkataramiah	Clerk in the Accountant-General's Office .	70
43	T. Samiah Shastry.....	Deputy Inspector of Schools at Cuddalore	80
44	V. Rajagopala Charloo	Translator in the Sudder Udalut	70
45	V. Kanakiah Naidoo	Clerk in the Accountant-General's Office .	35
46	T. Coopoosamy Iyer	Ditto ditto	50
47	V. Soobramaniem Naik	Without Employ	

APPENDIX B.—No. 2.

List of the past Students of Patcheappah's School, who are now holding Employments.

No.	Names.	Employment.	Salaries.
1	C. Coorasaloo Naidoo	Senior Head Signaller, Electric Telegraph Office	70
2	M. Singala Charry	Translator in Government Office	50
3	Narasimma Charry	Signaller in Telegraph Office	21
4	C. Viziaragavooloo Naidoo	Senior Head Signaller, Electric Telegraph, Madras	110
5	M. Teroovengadum	Signaller, Electric Telegraph, Bangalore	21
6	Soobbiah	Telugu Head Master, Provincial School, Rajahmundry	30
7	V. Narrain Iyah	Writer in the Commissary General's Office	25
8	M. Parthasarady Chetty	Clerk in Government Office	20
9	Davasegamony	Tutor in Mr. Grant's School	15
10	C. Rajaruthenum	Writer in Sea Custom House	25
11	Valoo Moodelly	Clerk in Government Office	14
12	Kistnama Chairy	.. ..	20
13	Sashachella Pillay	In Revenue Board Office	15
14	Narrainsawmy	In the Treasury	20
15	Sashadriah	2d Teacher in Patcheapah's Branch School, Conjevarum	15
16	Maunsing	Head Teacher Madras Native Progressive Seminary	25
17	V. Ramanoojum	Clerk	25
18	C. Vurdacharry	Telugu Head Master at Nellore	14
19	Nadamoony Naidoo	Clerk in Small Cause Court	21
20	C. Kistnasawmy Moodelly	2d Tutor in the Native Progressive Seminary	10
21	A. Vurda Charry	Moonshee at the College	25
22	Coopoosawmy	Writer in Oakes Partridge and Co.	10½
23	Chendrappah Moodelly	A Teacher at Rajahmundry	35
24	Sambaseva Pillay	Clerk in the Madras Bank	25
25	C. Mooroogasa Pillay	Writer in Sheriff's Office	12½
26	C. Etherajooloo Naidoo	Cash Keeper	35
27	S. Streerunga Charry	Writer in the Custom House	18
28	Rajagopaul Charry	In the Railway Company's Office	25
29	Chunniah Naidoo	Clerk in Small Cause Court	14
30	Thungavaloo Moodelly	Engineer's Office	35
31	Singaravaloo	Railway Office	25
32	T. Narrainsawmy Naidoo	Clerk in the Mercantile Bank	40
33	Visvanathen	.. ..	50
34	Pillaloga Charry	Moonshee at the College	25
35	M. Streerunga Charry	Cashkeeper at Stephenson & Co.	30
36	Casava Charry	Writer	12
37	T. Ragavooloo Naidoo	At Rangoon	40
38	Kistniah	At Revenue Board	15
39	Appiah Naidoo	Writer at Guntoor	21
40	P. Parthasarthee	General Treasury	16
41	Ramanjooloo	Oriental Bank	20
42	Ragava Charry	Writer, Civil Auditor Office	15

No.	Names.	Employment.	Salaries.
43	Mooroogasa Moodelly	Ashton Richardson and Co.	25
44	Veerasawmy Moodelly	Writer in Ice House	13
45	M. Rajagopaul	Clerk at Salem Civil Court	25
46	Ramachendra Chetty	Writer in the Cutcherry of Nabob of Carnatic	21
47	V. Vurdacharry	Telugu Moonshee at Sadras	30
48	Solayappen	At Sudder Court	14
49	C. Vanoogopaul	Telegraph Office Signaller	15
50	Venkatasooboo	Clerk in Military Board	16
51	Soobroyen	Railway Company	15
52	Rajaruthenum	Ditto ditto	40
53	Sunthojee Row	Gun Carriage Manufactory	18
54	Veerunnen	Clerk, Adjutant-General's Office	30
55	V. Parthasarady	Clerk, Office of the P. & O. S. N. Company	21
56	Soodaresana Naidoo	Clerk in the Sheriff's Office	17½
57	Moorga Pillay	Ditto ditto	12½
58	Moonesawmy Naidoo ..	A Private Teacher	20
59	Rungasoyee Naik	Schoolmaster, Rajahmundry	20
60	P. Venkataramiah	Cashier at Messrs. Kenrick and Co.	21
61	Namasevoya Moodelly	Clerk in Accountant-General's Office	35
62	Venkataramanjooloo	Rajahmundry	50
63	Naunoo Iyer	A Teacher at Bangalore	50
64	C. Appasawmy	A Writer	14
65	Colundavaloo Naidoo	Medical College	24½
66	Somasoondara Moodelly ..	Ditto ditto	14
67	V. Rajaruthena Moodelly ..	Clerk in the Government Office	25
68	Teroovengada Pillay	Messrs. Oakes Partridge and Co.	14
69	Easvara Row	Gun Carriage Manufactory	37
70	Venkata Charry	Merchant	
71	Lutchumiah	Apprentice in the Railway Department ..	10½
72	Narrainsawmy	Writer in the Treasury	20
73	S. Parthasarady	Senior Head Signaller, Bangalore	35
74	C. Augustecsvara Moodelly .	Head Teacher, Patcheappah's Branch School at Conjeverum	25
75	Ramanjooloo Naidoo	A Private Teacher	20
76	Authecasavooloo Naik ...	Tutor in the Native Progressive Seminary	7
77	Soobroyaloo	2d Teacher, Vernacular School at Triplicane	10
78	Davasegamoney	Writer at Messrs. Ashton and Richardson.	15
79	C. Kistnasawmy	Apprentice in the Chief Engineer's Office.	0
80	Chengulvaroyen	Ditto ditto	0
81	Kistnasawmy	Ditto ditto	0
82	Moorogasa Moodelly	Clerk at Messrs. Ashton Richardson & Co.	20
83	Saravanam	Clerk in Adjutant-General's Office	15
84	A. Teroovengada Pillay	Clerk at General Police Office	50
85	Sadagopen	Apprentice in the Chief Engineer's Office.	0
86	Sovananda Moodelly	Paymaster's Office	10
87	Namasevoyen	Teacher in London Mission School	7
88	Narrainsawmy	Clerk in the Military Fund	10½
89	Rajamunnaroo	.. ..	25
90	Veerasawmy Moodelly	.. ..	20
91	Kistnama Charry	Clerk, Railway Department	35
92	T. Ruthenum	Stipendiary Student, Medical College	10
93	Teroovengada Charry	.. .. ..	14
94	Mooroogasa Moodelly	Medical College	10
95	Parthasarady Naidoo	Clerk in Government Office	20
96	T. Parthasarthee	Signaller, Telegraph Departmt., Bangalore	21
97	Thaneachella Moodelly	Clerk in Government Office	20
98	T. Verrasawmy Moodelly ..	Signaller, Telegraph Office, Mysore	21
99	C. Sashachella Moodelly ..	Writer	17½

No.	Names.	Employment.	Salaries.
100	Ponnoosawmiy Moodelly ..	Clerk in Land Customs Office	10
101	Soobramanoya Moodelly ..	Ditto Railway Department	16
102	Thamodara Moodelly.....	In Assessment Office	17½
103	Parthasarady Moodelly	In the Railway Department.....	10
104	Sabapathy	Clerk in a Shop	10
105	C. Theroovengadum	Revenue Board	14
106	C. Dorasawmy Moodelly ..	Clerk in Small Cause Court	30
107	Ponnoorunga Moodelly	English Head Teacher at Royapooram ..	30
108	P. Mooroogasa Moodelly ..	Clerk in the Madras Bank.....	25
109	Auroomooga Moodelly	At Neelgherry	42
110	Ramasawmy Moodelly	At Messrs. Binny and Co.....	14
111	Chocalingum	.. ..	
112	Ragavacharry.....	Revenue Board	25
113	Ramasawmy Chetty	Messrs. Binny and Co.	21
114	P. Kistnasawmy Moodelly .	Messrs. Binny and Co.	25
115	Rungiah Naidoo.....	Messrs. Hill and Co.	21
116	Shunmoogum	Deputy Examiner, Rangoon	70
117	Arooaachella Moodelly	Ditto ditto	150
118	Vencatarunga Pillay.....	At Oakes Partridge and Co.	30
119	Balasoondra Moodelly	Public Works Office	50
120	Valoo Moodelly	Accountant-General's Office	25
121	Appasawmy	.. ..	25
122	Tholasy Ram	Government Office	20
123	Rungasawmy Moodelly....	Light House Overseer	14
124	P. Vencatarunga Naidoo ..	Student, Medical School	7
125	Cundasawmy	Clerk in the Railway..	25
126	Rungasawmy Moodelly....	Clerk, Engineer's Office.....	12
127	A. Sadagopa Moodelly	Clerk, Railway	16
128	T. Narrainsawmy Naidoo ..	Ditto, Military Fund.....	10½
129	Soondara Moodelly	Teacher, Mr. Grant's School.....	15
130	T. Rajamunnaroo Pillay ..	Clerk in Post Office	18
131	Moottiah Moodelly	Writer in the Engineer's Department	35
132	A. Ramanjooloo Naidoo....	Clerk in Adjutant-General's Office	20
133	P. Appiah Naidoo	Peishcar at Masulipatam	14
134	Ramanoojiah	Writer in the Collector's Cutcherry, Nellore	15
135	Balakistna Chetty	Writer, Messrs. Oakes and Co.....	0
136	P. Ramanjooloo Naidoo....	Head Master, Madras Hindoo Seminary .	25
137	Ramanoojah Charry	Writer at Messrs. Binny and Co.....	20
138	Coomarasawmy Chetty	Writer in Custom House	14
139	P. Lutchumiah Naidoo	English Canaca Pillay, Rajahmundry	21
140	P. Valoo Moodelly	Writer in the Accountant-General's Office	20
141	T. N. Comaravaloo Moodelly	Ditto ditto	30
142	M. Mooroogasa Pillay	Ditto ditto	30
143	P. Namasevaya Moodelly ..	Ditto ditto	35
144	Sashachella Moodelly	Military Fund Office	28
145	T. Vencatachella Moodelly .	In the Nabob's Establishment	20
146	Ramasawmy Chetty	Writer in Accountant-General's Office ..	20
147	Kistnasawmy Chetty.....	Cash-keeper, Dale and Boyson	52
148	D. Lutchumiah Naidoo	Writer in Small Cause Court	18
149	C. Nadamoony	Ditto Stationery Office	20
150	Govindappah Chetty	Ditto Family Pension Office	25
151	T. Chennatumbee Moodelly.	Ditto at Stephenson and Co.....	10
152	W. Shashachella Naidoo ..	In the Road Department	20
153	M. Ramachendra Chetty ..	Writer in the Chief Engineer's Office....	25
154	C. V. Ruthnum	Writer.....	28
155	P. Parthasarady Naidoo ..	Writer, General Post Office	12
156	Saravana Moodelly	Ditto, Accountant-General's Office.....	20
157	Moorga Pillay	Sheriff's Office	12½

No.	Names.	Employment.	Salaries.
158	V. Parthasarady Naidoo ..	Clerk in Accountant-General's Office	25
159	M. Comarasawmy	Sea Custom Office	10
160	M. Parthasarady	Ditto ditto	20
161	C. Collingaroy Moodelly ..	Writer M	14
162	Moottoosawmy	Writer, Rangoon Pay Office	14
163	Soobiah	Normal Student, Primary School	15
164	Janugheerum	Medical Student	7
165	Balakistnan	Ditto ditto	5
166	Moorgasem	Writer, Accountant-General's Office	15
167	Vencatasooboo	Ditto, Civil and Session Court, Chittoor ..	20
168	Novlamony	Signaller, Telegraph Office	30
169	Masclamony	Normal Student	5
170	Mooncsawmy Chitty	Ditto ditto	5
171	Annasamiah	Ditto ditto	5
172	Iyaviah	Ditto ditto	5
173	Vincutuchillun	Ditto ditto	5
174	Numbermal Chitty	Writer, Railway Company	15
175	Strenevusa Charry	Writer, Telegraph Office	30
176	Runga Charry	Ditto ditto	10
177	Ruthenum	Ditto ditto	30
178	Veemperwa Iya	Private English Teacher	10
179	P. Ruthenum	Teacher in Free Church of Scotland's Mission Branch School	15
180	Parthsarthy	Accountant, Railway Department	15
181	Moottentiah	Clerk, Engineer's Office	25
182	C. Casavooloo Chitty	Ditto, Government Office	15
183	Teroovanyadum Chitty	Merchant	
184	Ramasamiah	Normal Pupil	15
185	Dorasamiah	Ditto ditto	15
186	B. Vencatasoobiah	Accountant, Survey Department, Cuddalore	10
187	Ram Chitty	Cash-keeper	25
188	Chengulroyen	Sub-Overseer, Survey Department	40
189	Kistnasawmy	Ditto ditto	50
190	Camoo Chitty	Clerk, Stationery Office	12
191	Appasawmy Chetty	Cash-keeper, Messrs. Dale and Bryson's ..	80
192	M. Sashial	Pleader, Small Cause Court	

The salaries of many of these young men have been increased since the publication of this report.

MEM.—It is almost impossible to get the names of all the lads educated in Patcheappah, who are now holding employments, as they are so scattered about the country. The list now furnished contains the names of but a fraction of those lads who are indebted to Patcheappah's Institution for their situations.

APPENDIX- C.

Translation of a copy of a Proclamation issued by Feroz Shah, son of Bahadoor Shah, Ex-King of Delhi, at Bareilly, on the 18th February, 1858.

" Be it known to all Hindoos and Mussulmans of Hindostan, that power and dominion are one of the greatest blessings of Providence, and that his blessing cannot long be enjoyed by a deceitful tyrant.

" For some years past, these wicked Christian kafirs commenced tyrannizing over India, intending to cause the spread of Christianity by violence, and to do away with the religion of Hindoos and Mussulmans, but it pleased God to turn the minds of the people against them, so much so, that all of a sudden they became intent upon destroying them, and of a truth they are very nearly annihilated; but owing to the lust of power and dignity, they have collected themselves here and there, in wretched plight, and making useless efforts to regain their power. Please God, in a short time they will be so annihilated as not to leave a single tract behind them. Let it be known to all Hindoos and Mussulmans in India, that owing to the circumstances mentioned above, there exists the bitterest enmity between the natives and the English; and if, after all that has past, the latter regain their former power in India, it is certain that they will destroy the religion, honour, life, and property of every one. I therefore give a short account of the resolutions past, with the joint concurrence of the Judicial Council, the Supreme Court, and the Parliaments, in hope that our Indian Brethren, becoming aware of their evil intentions, will join together in extirpating them. When the army mutinied for the sake of their religion, and killed without mercy these kafirs with their swords, then, with regard to the cause of the mutiny, and the loss of life, their Priests and sages came to the following resolution, viz., that if the former Governor had properly looked to the following points, there would have been no rebellion:—

1st—" The Government took measures for protecting the heirs and descendants of the former rulers, instead of extirpating them. They ought to have taken them, on the pretence of conveying them to England, on board ship, and to have drowned them in the sea.

2nd—" They ought not to have preserved the religious books of any tribe in Hindustan, but they should have taken them by force and burnt them.

3rd—" They ought to have deprived all natives of holding a single 'Biswah' of land.

4th—" They ought to have intermarried with the daughters of

natives of rank, compelling the parents by force, and bribing them with money, to give them their daughters, so that in a few years they would all have become one.

5th—"They ought not to have taught artillery practice to any natives of India.

6th—They ought not to have left arms or weapons in the hands of the natives.

7th—" They ought not to have given service to any one, unless he had eaten food with them.

8th—" They ought not to have permitted the Hindoos to relate their religious tales, or granted permission to Mussulmans to preach sermons.

9th—" They ought not to have permitted the erection of Mosques and Temples.

10th—" Decisions in the civil courts ought to have been passed according to the precepts of the Christian religion.

11th—" The marriage ceremonies should have been made over to the English clergy, instead of allowing the old customs of 'Nikau' and 'Bhowlee.'

12th—" Hindoo and Mussulman systems of medicine ought not to have been allowed to be practised.

13th—(Wanting in the copy furnished to me.)

14th—" They ought not to have allowed the Hindoo and Mussulman Faqueers, unless especially permitted by the clergyman, to make Proselytes.

15th—" They ought not to have allowed midwives, but insisted that English medical men should attend women in child-birth.

" These points were not at all regarded by the English Government, but the superstitions of the perfidious natives were, on the contrary, respected and encouraged: The consequence is, that these very people rebelled; that if the foregoing measures are adopted, there will be no fear of any disturbance for a thousand years to come."

Oh! men of Hindustan, see now these Christians. How great is their enmity against you. You have been told of the future schemes of the English, as related above. Now you must wash your hands, and try your best to save your religion and lives, by murdering all Europeans; make your resolution firm, and by the blessing of God you will succeed.

I, the writer of this Proclamation, give you a short account of facts as follows. Hear it attentively, and act up to it. Before the rebellion broke out I had gone to Mecca, and on my return, when I arrived a Bombay, having been informed of the wretched condition of these ill-disposed Christians, I thanked God; and as I am by nature a believer in Islam, and a lover of justice, and a hater of oppression, when I left Bombay on my way back to this part of India, I persuaded the people on the road as far as Gwalior to make a Juhad, and to kill all Christians, and to this effect I took pledges from a great number of native chieftains and warriors. A small force accompanied me from Gwalior, and I had intended to fight as soon as I had matured my plans; but the religious fervour of my troops became so great, that they paid no attention to discipline. They consequently

unadvisedly advanced on Agra, and commenced fighting with the ill-starred infidels at that place;* and notwithstanding that they were inferior in numbers to the enemy, they fought well and bravely, and though they were apparently defeated, yet, in reality, having killed about a thousand of the kafirs, they obtained a victory: my property was lost, and my relatives and friends were dispersed.

From that day to this my time has been employed in preparing to fight again, and for three or four months I have been very successful in inducing several princes and other natives of rank, and warriors of every part of the country, to join with me in extirpating the wicked kafirs, and by the grace of God I have been able to collect 150,000 tried soldiers and recruits, and they have taken solemn oaths not to desert the cause; and, therefore, in a very short time we shall be able to clear the country from the presence of the kafirs. Every where ammunition is stored, and money is collected. The only thing which remains to be done is for me to commence operations.

The object in view is purely of a religious nature, therefore it is made known to all Hindoos and Mussulmans, that whoever is so fortunate as to possess the grace of God he will join us in this religious war. After the receipt of this proclamation it is expected that all will join in the "Juhad."

The weak and old can join by their prayers for our success; the wealthy and old should assist us with their wealth; whilst those who are strong and in good health should exert themselves in the field of battle.

On joining the "Juhad" every one must remember the following points.

Those who are servants of the races of Lucknow, our young kinsman, Mirza Burjees Qudur Bahadoor, and those who are servants of the Nawab Khan Bahadoor, Khan of Bareilly, will not join in this war, without obtaining first the consent of those chiefs; for those chiefs are ready to expel the kafirs. Deserting those chiefs is, in fact, therefore adding strength to the infidels.

2nd—All should join in this religious war, not for the sake of this world's goods, but in hopes of reaping the fruits of eternity.

After retaining ascendency and power by the blessing of God, they will also get high situations in this world.

3rd—The delay that has occurred hitherto in expelling the English has been caused by the will and order of Providence, for the army mercilessly murdered women and children in violation of the orders of their sirdars, and gave themselves up so much to plunder that they turned victory into defeat. They likewise oppressed the people, and did not mind the orders of their leaders.

Now having relinquished all these sinful acts, and formed your mind for doing good, you should join in the "Juhad," and you will obtain complete victory.

4th—The people of all grades should regard themselves as equals for religious matters; all Brothers should equally defend the faith. It is not my object to wage this war for wordly gain, and therefore

* An allusion to the battle on the Agra Parade, on the 10th October, 1857.

having placed reliance in the precepts of religion I gird myself with bravery and enthusiasm, and having wrapped around my head the cerements of the grave (kaffen), and having armed myself with the sword of "Juhad," I rise, repeating the holy "Bismillah," and, relying on the blessing of God, I am sure of obtaining victory.

I do hereby call you again and again to come and join me for the sake of God. I will inform you of the date and day in which I march out of the city. Those who are anxious to join are requested to do so without delay.

"Sacrifice your life for your beloved, for death will some day take it from you." "Oh! Hafiz, do you decide which is the better of these two courses."

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